

By:

Lucio

S.B. No. 796

A BILL TO BE ENTITLED

AN ACT

relating to the combative sports program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2052.002, Occupations Code, is amended to read as follows:

Sec. 2052.002. DEFINITIONS. In this chapter:

(1) "Amateur" means a person who has never received or competed for any purse or other thing of value, including reimbursement for expenses related to training or to participation in a combative sports event, that exceeded the maximum amount established by an amateur combative sports association.

(2) "Amateur combative sports association" means an organization that has nonprofit status under the laws of this state or under federal law and that produces, arranges, advertises, conducts, or stages combative sports events in which all the contestants are amateurs.

(3) "Boxing" means to compete with the fists.

(4) "Combative sports" means sports, including boxing, kickboxing, martial arts, and mixed martial arts, in which participants voluntarily engage in full contact to score points, to cause an opponent to submit, or to disable an opponent in a contest, match, or exhibition. The term does not include student training or exhibitions of students' skills conducted by martial arts schools, or associations of schools, where the students' participation is / 1/2

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1 for health and recreational purposes rather than competition and  
2 where the intent is to use only partial contact [~~includes~~  
3 ~~kickboxing, in which a person delivers blows with any part of the~~  
4 ~~arm below the shoulder, including the hand, and any part of the leg~~  
5 ~~below the hip, including the foot.~~

6 [~~(2)~~ "Boxing promoter" means a person who arranges,  
7 advertises, or conducts a boxing event.

8 [~~(3)~~ "Championship tournament" means a state,  
9 regional, national, or international elimination tournament in  
10 which the winners of elimination tournaments compete for a  
11 championship in each weight category].

12 (5) [~~(4)~~] "Commission" means the Texas Commission of  
13 Licensing and Regulation.

14 (6) "Contest" means a combative sports engagement in  
15 which the participants strive earnestly to win.

16 (7) [~~(5)~~] "Department" means the Texas Department of  
17 Licensing and Regulation.

18 (8) [~~(6)~~] "Elimination tournament" means a combative  
19 sports [~~boxing~~] contest in which [~~elimination tournament~~]  
20 contestants compete in a series of matches until not more than one  
21 contestant remains in any weight category. The term does not  
22 include an [~~a boxing~~] event described by Section 2052.110.

23 (9) [~~(7)~~] "~~Elimination tournament boxing promoter~~"  
24 ~~means a person who arranges, advertises, or conducts an elimination~~  
25 ~~tournament.~~

26 [~~(8)~~ "Elimination tournament contestant" means a  
27 ~~person who competes in an elimination tournament.~~

1           ~~[(8-a)]~~ "Executive director" means the executive  
2 director of the department or the executive director's designated  
3 representative.

4           (10) ~~[(9)]~~ "Exhibition" means a combative sports  
5 ~~[boxing or wrestling]~~ skills demonstration.

6           (11) ~~[(10)]~~ "Event" means a contest, match, or  
7 exhibition.

8           (12) ~~[(11)]~~ "Judge" means a person who is [+  
9           ~~[(A)] located at ringside during a boxing match,~~  
10 and

11           ~~[(B)]~~ responsible for scoring the performances  
12 of the participants in a ~~[the]~~ match.

13           (13) "Kickboxing" means to compete by delivering blows  
14 with the fists, arms, feet, legs, or any combination thereof.

15           (14) "Martial arts" means any one of the individual  
16 disciplines described by rule adopted by the commission in which  
17 the contestants engage in unarmed combat using the applicable  
18 techniques to grapple with, kick, or strike an opponent to win a  
19 contest by causing an opponent to submit or by scoring points  
20 against or disabling an opponent.

21           (15) "Match" means any contest or exhibition.

22           (16) "Mixed martial arts" means unarmed combat  
23 involving the use of a combination of techniques from different  
24 disciplines of the martial arts including grappling, kicking, and  
25 striking and may include the use of full, unrestrained physical  
26 force.

27           (17) ~~[(12)] "Local tournament" means an elimination~~ ( 3/4

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1 ~~tournament in which only a resident of this state may compete.~~

2           ~~[(13)]~~ "Professional combative sports contestant  
3 ~~[boxer]~~" means a person who competes in a combative sports ~~[boxing]~~  
4 event in this state conducted for a purse or compensation.

5           (18) ~~[(13-a)]~~ "Promoter" means any person who  
6 produces, arranges, advertises, conducts, or stages a combative  
7 sports event ~~[a boxing promoter or wrestling promoter].~~

8           (19) ~~[(14)]~~ "Referee" means a person who:

9                   (A) is present in the ring during a match ~~[boxing~~  
10 ~~event]~~; and

11                   (B) exercises general supervision of the match  
12 ~~[event]~~.

13           (20) ~~[(15)]~~ ~~"Regional tournament" means an elimination~~  
14 ~~tournament in which a contestant from outside of the immediate area~~  
15 ~~in which the tournament is conducted may compete against local~~  
16 ~~contestants.~~

17           ~~[(15-a)]~~ "Ringside physician" means an individual  
18 licensed to practice medicine in this state who is registered with  
19 the department.

20           ~~[(16)]~~ ~~"Wrestling promoter" means a person who~~  
21 ~~arranges, advertises, or conducts a wrestling event.]~~

22           SECTION 2. Subsection (b), Section 2052.052, Occupations  
23 Code, is amended to read as follows:

24           (b) The commission may adopt rules:

25                   (1) governing boxing, ~~[professional]~~ kickboxing,  
26 martial arts, or mixed martial arts contests and exhibitions;

27                   (2) establishing reasonable qualifications for an / 4/5

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1 applicant seeking a license or registration from the department  
2 under this chapter;

3 (3) recognizing a sanction, medical suspension, or  
4 disqualification of a licensee or registrant [~~license holder~~] by a  
5 combative sports authority in any state, provided that if licensure  
6 or registration is denied based on those actions, an applicant has  
7 an opportunity for [~~a right to~~] a hearing as prescribed by rule;

8 (4) establishing practice requirements or specialty  
9 certifications that a person licensed to practice medicine in this  
10 state must meet to register as a ringside physician;

11 (5) requiring a contestant to present with an  
12 application for licensure or license renewal documentation [~~to the~~  
13 ~~executive director at the time of weigh-in an original copy~~] of  
14 recent blood test results that demonstrate whether the contestant  
15 is free from hepatitis B virus, hepatitis C virus, human  
16 immunodeficiency virus, and any other communicable disease  
17 designated by commission rule and providing that a contestant's  
18 failure to provide the required blood test results disqualifies the  
19 contestant;

20 (6) providing that to participate in any event a  
21 contestant must be free of hepatitis B virus, hepatitis C virus,  
22 human immunodeficiency virus, and any other communicable disease  
23 designated by rule;

24 (7) requiring that a contestant present with an  
25 application for licensure or license renewal documentation of the  
26 results of [~~undergo~~] a physical examination, including an  
27 ophthalmologic [~~ophthalmological~~] examination, [~~at or near the time~~]

1 ~~of weigh-in]~~ and providing for disqualification of a contestant who  
2 is determined by an examining physician to be unfit; ~~[and]~~

3 (8) establishing additional responsibilities for  
4 promoters; and

5 (9) governing regulated amateur events.

6 SECTION 3. Subsection (a), Section 2052.055, Occupations  
7 Code, is amended to read as follows:

8 (a) The presiding officer of the commission, with the  
9 commission's approval, may appoint a medical advisory committee to  
10 advise the department concerning health issues for combative sports  
11 ~~[boxing]~~ event contestants.

12 SECTION 4. Section 2052.101, Occupations Code, is amended  
13 to read as follows:

14 Sec. 2052.101. ~~[BOXING]~~ PROMOTER LICENSE. A person may not  
15 act as a ~~[boxing]~~ promoter ~~[or an elimination tournament boxing~~  
16 ~~promoter]~~ unless the person holds the appropriate ~~[a]~~ license  
17 issued under this chapter.

18 SECTION 5. The heading to Section 2052.102, Occupations  
19 Code, is amended to read as follows:

20 Sec. 2052.102. ~~[BOXING]~~ PROMOTER LICENSE APPLICATION  
21 REQUIREMENTS.

22 SECTION 6. Subsection (a), Section 2052.102, Occupations  
23 Code, is amended to read as follows:

24 (a) An applicant for a ~~[boxing]~~ promoter's license under  
25 this chapter must apply on a form furnished by the executive  
26 director.

27 SECTION 7. Section 2052.107, Occupations Code, is amended

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to read as follows:

Sec. 2052.107. OTHER COMBATIVE SPORTS [~~BOXING~~] LICENSES.

Unless a person holds a license or registration issued under this chapter, the person may not act as a combative sports:

- (1) professional contestant [~~boxer~~];
- (2) manager of a professional contestant [~~boxer~~];
- (3) referee;
- (4) judge;
- (5) second;
- (6) timekeeper;
- (7) matchmaker; or
- (8) ringside physician.

SECTION 8. Section 2052.110, Occupations Code, is amended to read as follows:

Sec. 2052.110. LICENSE AND BONDING EXCEPTIONS. If the contestants are amateurs, the [~~The~~] licensing and bonding requirements of this chapter [~~subchapter~~] do not apply to:

(1) [~~a boxing event in which the participants do not receive a money remuneration, purse, or prize for their performances or services if the event is promoted, conducted, or maintained by:~~

[~~(A) an educational institution,~~  
[~~(B) a law enforcement organization,~~  
[~~(C) a Texas National Guard Unit, or~~  
[~~(D) an amateur athletic organization recognized by the executive director,~~

[~~(2) an event conducted by a nonprofit amateur~~ / 7/8

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~~athletic association chartered under the law of this state, including a membership club affiliated with the association located within this state and recognized by the executive director,~~

[~~(3)~~] an event conducted by a college, school, or university that is part of the institution's athletic program in which only students of [~~different~~] educational institutions participate;

(2) [~~(4)~~] an event which is conducted by [~~in which only members of~~] a troop, battery, company, or unit of the Texas National Guard or a law enforcement agency and in which only members of military or law enforcement organizations participate; or

(3) [~~(5)~~] an event which is conducted by an organization of the Olympic Games, the Paralympic Games, or the Pan-American Games and in which participants train or compete for advancement to or within the games.

SECTION 9. Section 2052.111, Occupations Code, is amended to read as follows:

Sec. 2052.111. DENIAL OF APPLICATION. The executive director may deny an application for a license or registration if:

(1) the applicant does not meet the qualifications for the license or registration; or

(2) after conducting an investigation and providing an opportunity for a hearing, the executive director determines that the applicant has violated this chapter or a rule adopted under this chapter.

SECTION 10. Section 2052.113, Occupations Code, is amended

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1 to read as follows: <sup>2</sup>/<sub>9</sub>

2           Sec. 2052.113. LICENSE AND PERMIT REQUIRED FOR CLOSED  
3 CIRCUIT [~~BOXING~~] TELECAST. A person who exhibits in this state a  
4 simultaneous telecast of a live, spontaneous, or current combative  
5 sports [~~boxing~~] event on a closed circuit telecast in which a fee is  
6 charged for admission to the telecast must:

7                   (1) hold a [~~boxing~~] promoter's license under this  
8 chapter; and

9                   (2) obtain a permit for the closed circuit telecast.

10           SECTION 11. Subchapter C, Chapter 2052, Occupations Code,  
11 is amended by adding Sections 2052.116 and 2052.117 to read as  
12 follows:

13           Sec. 2052.116. AMATEUR COMBATIVE SPORTS ASSOCIATION  
14 REGISTRATION. A person may not act as an amateur combative sports  
15 association unless the person is registered under this chapter.

16           Sec. 2052.117. AMATEUR COMBATIVE SPORTS ASSOCIATION  
17 REGISTRATION REQUIREMENTS. (a) An applicant for registration as  
18 an amateur combative sports association must apply on a form  
19 acceptable to the executive director.

20                   (b) An application must be accompanied by:

21                           (1) a registration fee in the amount set by the  
22 commission;

23                           (2) proof of compliance with requirements established  
24 by rule for:

25                                   (A) insurance; and

26                                   (B) surety bonds, if any;

27                                   (3) a copy of the rules of the association

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1 establishing standards of conduct for contestants and officials;<sup>9/10</sup>  
2 and

3 (4) proof that the association is recognized or  
4 organized as a nonprofit organization under the laws of this state  
5 or has such status under federal law.

6 (c) Rules of the association must be approved by the  
7 department.

8 SECTION 12. Section 2052.151, Occupations Code, is amended  
9 to read as follows:

10 Sec. 2052.151. IMPOSITION AND RATE OF TAX. (a) A tax is  
11 imposed on a person who:

12 (1) conducts a combative sports [~~boxing~~] event[~~7~~  
13 ~~including an elimination tournament,~~] in which a fee is charged for  
14 admission to the event; or

15 (2) exhibits in this state a simultaneous telecast of  
16 a live, spontaneous, or current combative sports [~~boxing~~] event on  
17 a closed circuit telecast, in which a fee is charged for admission  
18 to the telecast[~~, or~~

19 [~~(3) conducts or sponsors an amateur boxing event,~~  
20 ~~other than an event exempt from licensing under Section~~  
21 ~~2052.110(2), (3), (4), or (5), in which a fee is charged for~~  
22 ~~admission to the event].~~

23 (b) The [~~rate of the~~] tax is three percent of the gross  
24 receipts obtained from the sale of tickets to the event, plus three  
25 percent of gross receipts received from sales of broadcast rights  
26 or \$30,000, whichever is less.

27 SECTION 13. Subsections (a) and (b), Section 2052.152,

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1 Occupations Code, are amended to read as follows: <sup>10/</sup>/<sub>11</sub>

2 (a) A person on whom a tax is imposed under Section  
3 2052.151, not later than three business days [~~72 hours~~] after the  
4 end of the event or telecast for which the tax is due, shall submit  
5 to the department a verified report on a form acceptable to  
6 [~~furnished by~~] the department stating:

- 7 (1) the number of tickets sold to the event;  
8 (2) the ticket prices charged;  
9 (3) the gross price charged for the sale or lease of  
10 broadcasting, television, and motion picture rights without any  
11 deductions for commissions, brokerage fees, distribution fees,  
12 advertising, or other expenses or charges; and  
13 (4) the amount of gross receipts obtained from the  
14 event.

15 (b) The person shall attach to the report a cashier's check,  
16 check, or money order payable to this state in the amount of the tax  
17 imposed on the event covered by the report.

18 SECTION 14. Section 2052.153, Occupations Code, is amended  
19 to read as follows:

20 Sec. 2052.153. CLOSED CIRCUIT TELECAST. A person  
21 exhibiting a simultaneous telecast of a live, spontaneous, or  
22 current combative sports [~~boxing~~] event on a closed circuit  
23 telecast that occurs in Texas in which a fee is charged for  
24 admission to the exhibition:

- 25 (1) must:  
26 (A) be a [~~boxing~~] promoter; and  
27 (B) obtain a permit for each telecast exhibited;

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and  $\frac{1}{11}$ ,

(2) shall comply with the tax provisions of Sections  
[~~Section~~] 2052.151 and 2052.152.

SECTION 15. Section 2052.251, Occupations Code, is amended  
to read as follows:

Sec. 2052.251. [~~BOXING~~] GLOVES. A combative sports  
[~~boxing~~] event contestant [~~, other than an elimination tournament~~  
~~contestant under Subchapter E,~~] shall wear [~~eight-ounce boxing~~]  
gloves of the type and weight specified by commission rule, unless  
the commission by applicable rule requires or permits contestants  
[~~a contestant~~] to not wear [~~heavier~~] gloves.

SECTION 16. Section 2052.252, Occupations Code, is amended  
to read as follows:

Sec. 2052.252. REGULATED [~~CERTAIN~~] AMATEUR EVENTS.  
(a) This section applies to an amateur combative sports [~~boxing~~]  
event, other than an event described by Section 2052.110  
[~~2052.110(2), (3), (4), or (5) or an elimination tournament subject~~  
~~to Subchapter E~~], in which a fee is charged for admission to the  
event.

(b) The amateur combative sports association sponsoring or  
producing the event shall register with the department not later  
than 30 days before the date the event begins.

(c) The event may take place only if the executive director  
approves the event not later than seven days before the date the  
event begins.

(d) [~~(e)~~] Each contestant [~~entry~~] in the event must have  
been a member of the amateur combative sports association for the

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1 30-day period immediately preceding ~~[be filed with the amateur~~<sup>1,2</sup>  
2 ~~organization not later than the third day before]~~ the date the event  
3 begins and must be a member on the date of the event.

4 (e) ~~[(d)]~~ The amateur combative sports association  
5 ~~[organization]~~ shall determine the amateur standing of the event  
6 contestants and shall establish training programs consisting of at  
7 least 30 days of training for each contestant.

8 (f) ~~[(e)]~~ The event is subject to the supervision of the  
9 executive director.

10 ~~[(f) All profits from the event must be used to develop~~  
11 ~~amateur athletics.]~~

12 (g) ~~[Only a referee or judge licensed under this chapter may~~  
13 ~~participate in the event.]~~

14 ~~[(h)]~~ Each contestant participating in the event must be  
15 examined by a licensed physician within a reasonable time before  
16 the event begins. A licensed physician must be present at ringside  
17 during the entire event.

18 (h) ~~[(i)]~~ A professional combative sports contestant  
19 ~~[boxer]~~ licensed under this chapter may not participate as a  
20 contestant ~~[in any capacity]~~ in the event.

21 SECTION 17. Subchapter F, Chapter 2052, Occupations Code,  
22 is amended by adding Section 2052.254 to read as follows:

23 Sec. 2052.254. ELIMINATION TOURNAMENTS. An elimination  
24 tournament may not be conducted in this state.

25 SECTION 18. The following provisions of the Occupations  
26 Code are repealed:

- 27 (1) Sections 2052.103, 2052.105, and 2052.106; and

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1                   (2) Subchapter E, Chapter 2052. <sup>13</sup>/<sub>14</sub>

2                   SECTION 19. This Act takes effect September 1, 2005.

## **BILL ANALYSIS**

Senate Research Center

S.B. 796  
By: Lucio  
Business & Commerce  
3/22/2005  
As Filed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Boxing was first regulated by the state in 1933 as a way to increase government revenue during the Great Depression. In the decades since, the law has evolved primarily to protect the physical and fiscal health of the boxers and to ensure the fairness of the fight. S.B. 796 continues this process and provides the Texas Department of Licensing and Regulation (department) the means to accommodate the growth of combative sports in Texas. S.B. 796 will encourage the growth of combative sports while improving the state's economic advantage over competitive states. It also will allow the department to concentrate its resources where they are most needed and enhance regulation of emerging combative sports. Combative sports continue to evolve and the law needs to be updated to reflect the current state of boxing and other combative sports.

As proposed, S.B. 796 will prohibit elimination tournaments in Texas. Texas currently assesses a three percent tax on the broadcasting rights receipts for combative sports. Unlike many states, the Texas tax has no cap. S.B. 796 will set a cap of \$30,000 on the broadcasting tax.

Further, S.B. 796 reduces regulation and red tape for established amateur sporting organizations by removing the requirement that the organization be recognized by the executive director of the department and that they notify the department in advance of their events.

S.B. 796 improves regulation of less established amateur combative sports organizations by requiring them to have their rules reviewed annually by the department.

Finally, S.B. 796 ends the requirement that professional wrestling promoters register with the Texas Secretary of State.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the Texas Commission of Licensing and Regulation is modified in SECTION 2 (Section 2052.052, Occupations Code) and SECTION 15 (Section 2052.251, Occupations Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 2052.002, Occupations Code, as follows:

Sec. 2052.002. DEFINITIONS. Defines "amateur," "amateur combative sports association," "combative sports," "contest," "kickboxing," "martial arts," "match," and "mixed martial arts." Redefines "boxing," "elimination tournament," "exhibition," "judge," "professional combative sports contestant," "promoter," and "referee." Deletes existing definitions of "boxing promoter," "championship tournament," "elimination tournament boxing promoter," "elimination tournament contestant," "local tournament," "regional tournament," and "wrestling promoter."

SECTION 2. Amends Subsection (b), Section 2052.052, Occupations Code, to modify the areas for which the Texas Commission of Licensing and Regulation (commission) is authorized to adopt rules relating to boxing, martial arts, or mixed martial arts.

SECTION 3. Amends Section 2052.055(a), Occupations Code, to make a conforming change.

SECTION 4. Amends Section 2052.101, Occupations Code, to make conforming changes.

SECTION 5. Amends the heading to Section 2052.102, Occupations Code, to read as follows:

Sec. 2052.102. PROMOTER LICENSE APPLICATION REQUIREMENTS.

SECTION 6. Amends Section 2052.102(a), Occupations Code, to make a conforming change.

SECTION 7. Amends Section 2052.107, Occupations Code, to make conforming changes.

SECTION 8. Amends Section 2052.110, Occupations Code, as follows:

Sec. 2052.110. LICENSE AND BONDING EXCEPTIONS. Provides that, if the contestants are amateurs, the licensing and bonding requirements of this chapter do not apply to:

- (1) an event conducted by a college, school, or university that is part of the institution's athletic program in which only students of educational institutions participate;
- (2) an event which is conducted by a troop, battery, company, or unit of the Texas National Guard or a law enforcement agency, and in which only members of military or law enforcement organizations participate; or
- (3) an event which is conducted by an organization of the Olympic Games, the Paralympic Games, or the Pan-American Games and in which participants train or compete for advancement to or within the games. Deletes existing exceptions relating to a boxing events conducted with no prizes or that are conducted by a nonprofit organization. Renumbers subdivisions to reflect changes.

SECTION 9. Amends Section 2052.111, Occupations Code, to authorize the executive director to deny an application for a license or registration if certain circumstances apply.

SECTION 10. Amends Section 2052.113, Occupations Code, to make conforming changes.

SECTION 11. Amends Subchapter C, Chapter 2052, Occupations Code, by adding Sections 2052.116 and 2052.117, as follows:

Sec. 2052.116. AMATEUR COMBATIVE SPORTS ASSOCIATION REGISTRATION. Prohibits a person from acting as an amateur combative sports association unless the person is registered under this chapter.

Sec. 2052.117. AMATEUR COMBATIVE SPORTS ASSOCIATION REGISTRATION REQUIREMENTS. (a) Requires an applicant for registration as an amateur combative sports association to apply on a form acceptable to the executive director of the Texas Department of Licensing and Regulation (executive director).

- (b) Requires that an application be accompanied by a fee and certain information.
- (c) Requires that rules of the association be approved by the Texas Department of Licensing and Regulation (department).

SECTION 12. Amends Section 2052.151, Occupations Code, as follows:

Sec. 2052.151. IMPOSITION AND RATE OF TAX. (a) Makes conforming changes.

- (b) Provides that the tax, rather than the rate of the tax, is three percent of the gross receipts obtained from the sale of tickets to the event, and, in addition, three percent of gross receipts received from sales of broadcast rights or \$30,000, whichever is less.

SECTION 13. Amends Sections 2052.152(a) and (b), Occupations Code, as follows:

(a) Makes nonsubstantive changes.

(b) Includes a check in the forms of acceptable payment a person is required to attach to a report.

SECTION 14. Amends Section 2052.153, Occupations Code, to specify that a person exhibiting a simultaneous telecast of a live, spontaneous, or current combative sports event on a closed circuit telecast that occurs in Texas in which a fee is charge for admission to the exhibition is required to meet certain requirements, including compliance with the tax provisions of both Sections 2052.151 and 2052.152. Makes conforming changes.

SECTION 15. Amends Section 2052.251, Occupations Code, as follows:

Sec. 2052.251. New heading: GLOVES. Requires a combative sports event contestant to wear gloves of the type and weight specified by commission rule, rather than eight-ounce boxing gloves, unless the commission by applicable rule requires or permits contestants to not wear gloves. Makes conforming changes.

SECTION 16. Amends Section 2052.252, Occupations Code, as follows:

Sec. 2052.252. New heading: REGULATED AMATEUR EVENTS. (a) Provides that this section applies to an amateur combative sports event, other than an event described by Section 2052.110, rather than 2052.110(2), (3), (4), or (5) or an elimination tournament subject to Subchapter E, in which a fee is charged for admission to the event.

(b) Requires the amateur combative sports association sponsoring or producing the event to register with the department not later than 30 days before the date the event begins.

(c) Creates subsection from existing text.

(d) Requires each contestant, rather than entry, in the event to have been a member of the amateur combative sports association for the 30-day period immediately preceding the date the event begins and is required to be a member on the date of the event. Deletes existing text requiring registration not later than the third day before an event.

(e) Requires the amateur combative sports association, rather than organization, to determine the amateur standing of the event contestants and to establish training programs consisting of at least 30 days of training for each contestant.

(f) Creates subsection from existing text. Deletes existing text requiring profits from events to be used to develop amateur athletics.

(g) Redesignated from existing Subsection (h). Deletes text of existing Subsection (g) authorizing only a licensed judge or referee to participate in the event.

(h) Prohibits a professional combative sports contestant licensed under this chapter from participating as a contestant, rather than in any capacity, in the event.

SECTION 17. Amends Subchapter F, Chapter 2052, Occupations Code, by adding Section 2052.254, as follows:

Sec. 2052.254. ELIMINATION TOURNAMENTS. Prohibits an elimination tournament from being conducted in this state.

SECTION 18. Repealers in the Occupations Code:

(1) Sections 2052.103 (Elimination Tournament Boxing Promoter License Application Requirements), 2052.105 (Wrestling Promoter Registration), and 2052.106 (Wrestling Promoter Application Requirements); and

(2) Subchapter E (Regulation of Elimination Tournaments), Chapter 2052.

SECTION 19. Effective date: September 1, 2005.

By: Lucio S.B. No. 796  
 (In the Senate - Filed February 28, 2005; March 10, 2005,  
 read first time and referred to Committee on Business and Commerce;  
 March 31, 2005, reported favorably by the following vote: Yeas 8,  
 Nays 0; March 31, 2005, sent to printer.)

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 AN ACT

relating to the combative sports program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2052.002, Occupations Code, is amended to read as follows:

Sec. 2052.002. DEFINITIONS. In this chapter:

(1) "Amateur" means a person who has never received or competed for any purse or other thing of value, including reimbursement for expenses related to training or to participation in a combative sports event, that exceeded the maximum amount established by an amateur combative sports association.

(2) "Amateur combative sports association" means an organization that has nonprofit status under the laws of this state or under federal law and that produces, arranges, advertises, conducts, or stages combative sports events in which all the contestants are amateurs.

(3) "Boxing" means to compete with the fists.

(4) "Combative sports" means sports, including boxing, kickboxing, martial arts, and mixed martial arts, in which participants voluntarily engage in full contact to score points, to cause an opponent to submit, or to disable an opponent in a contest, match, or exhibition. The term does not include student training or exhibitions of students' skills conducted by martial arts schools, or associations of schools, where the students' participation is for health and recreational purposes rather than competition and where the intent is to use only partial contact [includes kickboxing, in which a person delivers blows with any part of the arm below the shoulder, including the hand, and any part of the leg below the hip, including the foot.

~~(2) "Boxing promoter" means a person who arranges, advertises, or conducts a boxing event.~~

~~(3) "Championship tournament" means a state, regional, national, or international elimination tournament in which the winners of elimination tournaments compete for a championship in each weight category].~~

(5) ~~(4)~~ "Commission" means the Texas Commission of Licensing and Regulation.

(6) "Contest" means a combative sports engagement in which the participants strive earnestly to win.

(7) ~~(5)~~ "Department" means the Texas Department of Licensing and Regulation.

(8) ~~(6)~~ "Elimination tournament" means a combative sports ~~[boxing]~~ contest in which ~~[elimination tournament]~~ contestants compete in a series of matches until not more than one contestant remains in any weight category. The term does not include an ~~[a boxing]~~ event described by Section 2052.110.

~~(9) (7) "Elimination tournament boxing promoter" means a person who arranges, advertises, or conducts an elimination tournament.~~

~~(8) "Elimination tournament contestant" means a person who competes in an elimination tournament.~~

~~(8-a)~~ "Executive director" means the executive director of the department or the executive director's designated representative.

(10) ~~(9)~~ "Exhibition" means a combative sports ~~[boxing or wrestling]~~ skills demonstration.

(11) ~~(10)~~ "Event" means a contest, match, or exhibition.

(12) ~~[(11)]~~ "Judge" means a person who is ~~[(A)] located at ringside during a boxing match,~~  
~~and~~

~~[(B)]~~ responsible for scoring the performances of the participants in a ~~[the]~~ match.

(13) "Kickboxing" means to compete by delivering blows with the fists, arms, feet, legs, or any combination thereof.

(14) "Martial arts" means any one of the individual disciplines described by rule adopted by the commission in which the contestants engage in unarmed combat using the applicable techniques to grapple with, kick, or strike an opponent to win a contest by causing an opponent to submit or by scoring points against or disabling an opponent.

(15) "Match" means any contest or exhibition.

(16) "Mixed martial arts" means unarmed combat involving the use of a combination of techniques from different disciplines of the martial arts including grappling, kicking, and striking and may include the use of full, unrestrained physical force.

(17) ~~[(12)]~~ "Local tournament" means an elimination tournament in which only a resident of this state may compete.

~~[(13)]~~ "Professional combative sports contestant ~~[boxer]~~" means a person who competes in a combative sports ~~[boxing]~~ event in this state conducted for a purse or compensation.

(18) ~~[(13-a)]~~ "Promoter" means any person who produces, arranges, advertises, conducts, or stages a combative sports event ~~[a boxing promoter or wrestling promoter]~~.

(19) ~~[(14)]~~ "Referee" means a person who:

(A) is present in the ring during a match ~~[boxing event]~~; and

(B) exercises general supervision of the match ~~[event]~~.

(20) ~~[(15)]~~ "Regional tournament" means an elimination tournament in which a contestant from outside of the immediate area in which the tournament is conducted may compete against local contestants.

~~[(15-a)]~~ "Ringside physician" means an individual licensed to practice medicine in this state who is registered with the department.

~~[(16)]~~ "Wrestling promoter" means a person who arranges, advertises, or conducts a wrestling event.]

SECTION 2. Subsection (b), Section 2052.052, Occupations Code, is amended to read as follows:

(b) The commission may adopt rules:

(1) governing boxing, [professional] kickboxing, martial arts, or mixed martial arts contests and exhibitions;

(2) establishing reasonable qualifications for an applicant seeking a license or registration from the department under this chapter;

(3) recognizing a sanction, medical suspension, or disqualification of a licensee or registrant ~~[license holder]~~ by a combative sports authority in any state, provided that if licensure or registration is denied based on those actions, an applicant has an opportunity for ~~[a right to]~~ a hearing as prescribed by rule;

(4) establishing practice requirements or specialty certifications that a person licensed to practice medicine in this state must meet to register as a ringside physician;

(5) requiring a contestant to present with an application for licensure or license renewal documentation ~~[to the executive director at the time of weigh-in an original copy]~~ of recent blood test results that demonstrate whether the contestant is free from hepatitis B virus, hepatitis C virus, human immunodeficiency virus, and any other communicable disease designated by commission rule and providing that a contestant's failure to provide the required blood test results disqualifies the contestant;

(6) providing that to participate in any event a contestant must be free of hepatitis B virus, hepatitis C virus, human immunodeficiency virus, and any other communicable disease

designated by rule;

(7) requiring that a contestant present with an application for licensure or license renewal documentation of the results of ~~[undergo]~~ a physical examination, including an ophthalmologic ~~[ophthalmological]~~ examination, ~~[at or near the time of weigh-in]~~ and providing for disqualification of a contestant who is determined by an examining physician to be unfit; ~~[and]~~

(8) establishing additional responsibilities for promoters; and

(9) governing regulated amateur events.

SECTION 3. Subsection (a), Section 2052.055, Occupations Code, is amended to read as follows:

(a) The presiding officer of the commission, with the commission's approval, may appoint a medical advisory committee to advise the department concerning health issues for combative sports ~~[boxing]~~ event contestants.

SECTION 4. Section 2052.101, Occupations Code, is amended to read as follows:

Sec. 2052.101. ~~[BOXING]~~ PROMOTER LICENSE. A person may not act as a ~~[boxing]~~ promoter ~~[or an elimination tournament boxing promoter]~~ unless the person holds the appropriate ~~[a]~~ license issued under this chapter.

SECTION 5. The heading to Section 2052.102, Occupations Code, is amended to read as follows:

Sec. 2052.102. ~~[BOXING]~~ PROMOTER LICENSE APPLICATION REQUIREMENTS.

SECTION 6. Subsection (a), Section 2052.102, Occupations Code, is amended to read as follows:

(a) An applicant for a ~~[boxing]~~ promoter's license under this chapter must apply on a form furnished by the executive director.

SECTION 7. Section 2052.107, Occupations Code, is amended to read as follows:

Sec. 2052.107. OTHER COMBATIVE SPORTS ~~[BOXING]~~ LICENSES. Unless a person holds a license or registration issued under this chapter, the person may not act as a combative sports:

- (1) professional contestant ~~[boxer]~~;
- (2) manager of a professional contestant ~~[boxer]~~;
- (3) referee;
- (4) judge;
- (5) second;
- (6) timekeeper;
- (7) matchmaker; or
- (8) ringside physician.

SECTION 8. Section 2052.110, Occupations Code, is amended to read as follows:

Sec. 2052.110. LICENSE AND BONDING EXCEPTIONS. If the contestants are amateurs, the ~~[The]~~ licensing and bonding requirements of this chapter ~~[subchapter]~~ do not apply to:

(1) ~~[a boxing event in which the participants do not receive a money remuneration, purse, or prize for their performances or services if the event is promoted, conducted, or maintained by:~~

~~[(A) an educational institution,~~  
~~[(B) a law enforcement organization,~~  
~~[(C) a Texas National Guard Unit, or~~  
~~[(D) an amateur athletic organization recognized by the executive director,~~

~~[(2) an event conducted by a nonprofit amateur athletic association chartered under the law of this state, including a membership club affiliated with the association located within this state and recognized by the executive director,~~

~~[(3)]~~ an event conducted by a college, school, or university that is part of the institution's athletic program in which only students of ~~[different]~~ educational institutions participate;

(2) ~~[(4)]~~ an event which is conducted by ~~[in which only members of]~~ a troop, battery, company, or unit of the Texas National Guard or a law enforcement agency and in which only members

of military or law enforcement organizations participate; or  
 (3) ~~(45)~~ an event which is conducted by an organization of the Olympic Games, the Paralympic Games, or the Pan-American Games and in which participants train or compete for advancement to or within the games.

SECTION 9. Section 2052.111, Occupations Code, is amended to read as follows:

Sec. 2052.111. DENIAL OF APPLICATION. The executive director may deny an application for a license or registration if:

(1) the applicant does not meet the qualifications for the license or registration; or

(2) after conducting an investigation and providing an opportunity for a hearing, the executive director determines that the applicant has violated this chapter or a rule adopted under this chapter.

SECTION 10. Section 2052.113, Occupations Code, is amended to read as follows:

Sec. 2052.113. LICENSE AND PERMIT REQUIRED FOR CLOSED CIRCUIT ~~[BOXING]~~ TELECAST. A person who exhibits in this state a simultaneous telecast of a live, spontaneous, or current combative sports ~~[boxing]~~ event on a closed circuit telecast in which a fee is charged for admission to the telecast must:

(1) hold a ~~[boxing]~~ promoter's license under this chapter; and

(2) obtain a permit for the closed circuit telecast.

SECTION 11. Subchapter C, Chapter 2052, Occupations Code, is amended by adding Sections 2052.116 and 2052.117 to read as follows:

Sec. 2052.116. AMATEUR COMBATIVE SPORTS ASSOCIATION REGISTRATION. A person may not act as an amateur combative sports association unless the person is registered under this chapter.

Sec. 2052.117. AMATEUR COMBATIVE SPORTS ASSOCIATION REGISTRATION REQUIREMENTS. (a) An applicant for registration as an amateur combative sports association must apply on a form acceptable to the executive director.

(b) An application must be accompanied by:

(1) a registration fee in the amount set by the commission;

(2) proof of compliance with requirements established by rule for:

(A) insurance; and

(B) surety bonds, if any;

(3) a copy of the rules of the association establishing standards of conduct for contestants and officials; and

(4) proof that the association is recognized or organized as a nonprofit organization under the laws of this state or has such status under federal law.

(c) Rules of the association must be approved by the department.

SECTION 12. Section 2052.151, Occupations Code, is amended to read as follows:

Sec. 2052.151. IMPOSITION AND RATE OF TAX. (a) A tax is imposed on a person who:

(1) conducts a combative sports ~~[boxing]~~ event ~~including an elimination tournament,~~ in which a fee is charged for admission to the event; or

(2) exhibits in this state a simultaneous telecast of a live, spontaneous, or current combative sports ~~[boxing]~~ event on a closed circuit telecast, in which a fee is charged for admission to the telecast ~~or~~

~~[(3) conducts or sponsors an amateur boxing event, other than an event exempt from licensing under Section 2052.110(2), (3), (4), or (5), in which a fee is charged for admission to the event].~~

(b) The ~~[rate of the]~~ tax is three percent of the gross receipts obtained from the sale of tickets to the event, plus three percent of gross receipts received from sales of broadcast rights or \$30,000, whichever is less.

SECTION 13. Subsections (a) and (b), Section 2052.152, Occupations Code, are amended to read as follows:

(a) A person on whom a tax is imposed under Section 2052.151, not later than three business days ~~[72 hours]~~ after the end of the event or telecast for which the tax is due, shall submit to the department a verified report on a form acceptable to ~~[furnished by]~~ the department stating:

- (1) the number of tickets sold to the event;
- (2) the ticket prices charged;
- (3) the gross price charged for the sale or lease of broadcasting, television, and motion picture rights without any deductions for commissions, brokerage fees, distribution fees, advertising, or other expenses or charges; and
- (4) the amount of gross receipts obtained from the event.

(b) The person shall attach to the report a cashier's check, check, or money order payable to this state in the amount of the tax imposed on the event covered by the report.

SECTION 14. Section 2052.153, Occupations Code, is amended to read as follows:

Sec. 2052.153. CLOSED CIRCUIT TELECAST. A person exhibiting a simultaneous telecast of a live, spontaneous, or current combative sports ~~[boxing]~~ event on a closed circuit telecast that occurs in Texas in which a fee is charged for admission to the exhibition:

- (1) must:
  - (A) be a ~~[boxing]~~ promoter; and
  - (B) obtain a permit for each telecast exhibited;
- and
- (2) shall comply with the tax provisions of Sections ~~[Section]~~ 2052.151 and 2052.152.

SECTION 15. Section 2052.251, Occupations Code, is amended to read as follows:

Sec. 2052.251. [BOXING] GLOVES. A combative sports ~~[boxing]~~ event contestant ~~[, other than an elimination tournament contestant under Subchapter E,]~~ shall wear [eight-ounce boxing] ~~[eight-ounce boxing]~~ gloves of the type and weight specified by commission rule, unless the commission by applicable rule requires or permits contestants ~~[a contestant]~~ to not wear ~~[heavier]~~ gloves.

SECTION 16. Section 2052.252, Occupations Code, is amended to read as follows:

Sec. 2052.252. REGULATED ~~[CERTAIN]~~ AMATEUR EVENTS.  
 (a) This section applies to an amateur combative sports ~~[boxing]~~ event, other than an event described by Section 2052.110 ~~[2052.110(2), (3), (4), or (5) or an elimination tournament subject to Subchapter E]~~, in which a fee is charged for admission to the event.

(b) The amateur combative sports association sponsoring or producing the event shall register with the department not later than 30 days before the date the event begins.

(c) The event may take place only if the executive director approves the event not later than seven days before the date the event begins.

(d) ~~[(c)]~~ Each contestant ~~[entry]~~ in the event must have ~~been a member of the amateur combative sports association for the 30-day period immediately preceding~~ ~~[be filed with the amateur organization not later than the third day before]~~ the date the event begins and must be a member on the date of the event.

(e) ~~[(d)]~~ The amateur combative sports association ~~[organization]~~ shall determine the amateur standing of the event contestants and shall establish training programs consisting of at least 30 days of training for each contestant.

(f) ~~[(e)]~~ The event is subject to the supervision of the executive director.

~~[(f)] All profits from the event must be used to develop amateur athletics.~~

(g) ~~[Only a referee or judge licensed under this chapter may participate in the event.]~~

~~[(h)]~~ Each contestant participating in the event must be

6-1 examined by a licensed physician within a reasonable time before  
6-2 the event begins. A licensed physician must be present at ringside  
6-3 during the entire event.

6-4 (h) ~~[(i)]~~ A professional combative sports contestant  
6-5 ~~[boxer]~~ licensed under this chapter may not participate as a  
6-6 contestant [in any capacity] in the event.

6-7 SECTION 17. Subchapter F, Chapter 2052, Occupations Code,  
6-8 is amended by adding Section 2052.254 to read as follows:

6-9 Sec. 2052.254. ELIMINATION TOURNAMENTS. An elimination  
6-10 tournament may not be conducted in this state.

6-11 SECTION 18. The following provisions of the Occupations  
6-12 Code are repealed:

6-13 (1) Sections 2052.103, 2052.105, and 2052.106; and

6-14 (2) Subchapter E, Chapter 2052.

6-15 SECTION 19. This Act takes effect September 1, 2005.

6-16 \* \* \* \* \*

FAVORABLE  
SENATE COMMITTEE REPORT ON

(SB) SCR SJR SR HB HCR HJR 796  
By Lucio  
(Author/Senate Sponsor)  
March 31, 2005  
(date)

We, your Committee on BUSINESS AND COMMERCE, to which was referred the attached measure,  
have on March 29, 2005, had the same under consideration and I am instructed to report it  
(date of hearing)  
back with the recommendation (s) that it:

- ☒ do pass and be printed  
☐ do pass and be ordered not printed  
☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☒ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Troy Fraser, Chairman	<input checked="" type="checkbox"/>			
Senator Kip Averitt, Vice-Chairman			<input checked="" type="checkbox"/>	
Senator Ken Armbrister	<input checked="" type="checkbox"/>			
Senator Kim Brimer	<input checked="" type="checkbox"/>			
Senator John Carona	<input checked="" type="checkbox"/>			
Senator Kevin Eltife	<input checked="" type="checkbox"/>			
Senator Craig Estes	<input checked="" type="checkbox"/>			
Senator Eddie Lucio	<input checked="" type="checkbox"/>			
Senator Leticia Van de Putte	<input checked="" type="checkbox"/>			
TOTAL VOTES	8		1	

COMMITTEE ACTION

S260 Considered in public hearing

S270 Testimony taken

Patricia Baker  
COMMITTEE CLERK

Troy Fraser  
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill  
Retain one copy of this form for Committee files

WITNESS LIST

SB 796

SENATE COMMITTEE REPORT

Business & Commerce

March 29, 2005 - 9:00AM

ON: Kuntz Jr., William H. (Texas Department of Licensing and Regulation), Austin, TX

## **BILL ANALYSIS**

Senate Research Center

S.B. 796  
By: Lucio  
Business & Commerce  
3/22/2005  
As Filed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Boxing was first regulated by the state in 1933 as a way to increase government revenue during the Great Depression. In the decades since, the law has evolved primarily to protect the physical and fiscal health of the boxers and to ensure the fairness of the fight. S.B. 796 continues this process and provides the Texas Department of Licensing and Regulation (department) the means to accommodate the growth of combative sports in Texas. S.B. 796 will encourage the growth of combative sports while improving the state's economic advantage over competitive states. It also will allow the department to concentrate its resources where they are most needed and enhance regulation of emerging combative sports. Combative sports continue to evolve and the law needs to be updated to reflect the current state of boxing and other combative sports.

As proposed, S.B. 796 will prohibit elimination tournaments in Texas. Texas currently assesses a three percent tax on the broadcasting rights receipts for combative sports. Unlike many states, the Texas tax has no cap. S.B. 796 will set a cap of \$30,000 on the broadcasting tax.

Further, S.B. 796 reduces regulation and red tape for established amateur sporting organizations by removing the requirement that the organization be recognized by the executive director of the department and that they notify the department in advance of their events.

S.B. 796 improves regulation of less established amateur combative sports organizations by requiring them to have their rules reviewed annually by the department.

Finally, S.B. 796 ends the requirement that professional wrestling promoters register with the Texas Secretary of State.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the Texas Commission of Licensing and Regulation is modified in SECTION 2 (Section 2052.052, Occupations Code) and SECTION 15 (Section 2052.251, Occupations Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 2052.002, Occupations Code, as follows:

Sec. 2052.002. DEFINITIONS. Defines "amateur," "amateur combative sports association," "combative sports," "contest," "kickboxing," "martial arts," "match," and "mixed martial arts." Redefines "boxing," "elimination tournament," "exhibition," "judge," "professional combative sports contestant," "promoter," and "referee." Deletes existing definitions of "boxing promoter," "championship tournament," "elimination tournament boxing promoter," "elimination tournament contestant," "local tournament," "regional tournament," and "wrestling promoter."

SECTION 2. Amends Subsection (b), Section 2052.052, Occupations Code, to modify the areas for which the Texas Commission of Licensing and Regulation (commission) is authorized to adopt rules relating to boxing, martial arts, or mixed martial arts.

SECTION 3. Amends Section 2052.055(a), Occupations Code, to make a conforming change.

SECTION 4. Amends Section 2052.101, Occupations Code, to make conforming changes.

SECTION 5. Amends the heading to Section 2052.102, Occupations Code, to read as follows:

Sec. 2052.102. PROMOTER LICENSE APPLICATION REQUIREMENTS.

SECTION 6. Amends Section 2052.102(a), Occupations Code, to make a conforming change.

SECTION 7. Amends Section 2052.107, Occupations Code, to make conforming changes.

SECTION 8. Amends Section 2052.110, Occupations Code, as follows:

Sec. 2052.110. LICENSE AND BONDING EXCEPTIONS. Provides that, if the contestants are amateurs, the licensing and bonding requirements of this chapter do not apply to:

- (1) an event conducted by a college, school, or university that is part of the institution's athletic program in which only students of educational institutions participate;
- (2) an event which is conducted by a troop, battery, company, or unit of the Texas National Guard or a law enforcement agency, and in which only members of military or law enforcement organizations participate; or
- (3) an event which is conducted by an organization of the Olympic Games, the Paralympic Games, or the Pan-American Games and in which participants train or compete for advancement to or within the games. Deletes existing exceptions relating to a boxing events conducted with no prizes or that are conducted by a nonprofit organization. Renumbers subdivisions to reflect changes.

SECTION 9. Amends Section 2052.111, Occupations Code, to authorize the executive director to deny an application for a license or registration if certain circumstances apply.

SECTION 10. Amends Section 2052.113, Occupations Code, to make conforming changes.

SECTION 11. Amends Subchapter C, Chapter 2052, Occupations Code, by adding Sections 2052.116 and 2052.117, as follows:

Sec. 2052.116. AMATEUR COMBATIVE SPORTS ASSOCIATION REGISTRATION. Prohibits a person from acting as an amateur combative sports association unless the person is registered under this chapter.

Sec. 2052.117. AMATEUR COMBATIVE SPORTS ASSOCIATION REGISTRATION REQUIREMENTS. (a) Requires an applicant for registration as an amateur combative sports association to apply on a form acceptable to the executive director of the Texas Department of Licensing and Regulation (executive director).

(b) Requires that an application be accompanied by a fee and certain information.

(c) Requires that rules of the association be approved by the Texas Department of Licensing and Regulation (department).

SECTION 12. Amends Section 2052.151, Occupations Code, as follows:

Sec. 2052.151. IMPOSITION AND RATE OF TAX. (a) Makes conforming changes.

(b) Provides that the tax, rather than the rate of the tax, is three percent of the gross receipts obtained from the sale of tickets to the event, and, in addition, three percent of gross receipts received from sales of broadcast rights or \$30,000, whichever is less.

SECTION 13. Amends Sections 2052.152(a) and (b), Occupations Code, as follows:

(a) Makes nonsubstantive changes.

(b) Includes a check in the forms of acceptable payment a person is required to attach to a report.

SECTION 14. Amends Section 2052.153, Occupations Code, to specify that a person exhibiting a simultaneous telecast of a live, spontaneous, or current combative sports event on a closed circuit telecast that occurs in Texas in which a fee is charge for admission to the exhibition is required to meet certain requirements, including compliance with the tax provisions of both Sections 2052.151 and 2052.152. Makes conforming changes.

SECTION 15. Amends Section 2052.251, Occupations Code, as follows:

Sec. 2052.251. New heading: GLOVES. Requires a combative sports event contestant to wear gloves of the type and weight specified by commission rule, rather than eight-ounce boxing gloves, unless the commission by applicable rule requires or permits contestants to not wear gloves. Makes conforming changes.

SECTION 16. Amends Section 2052.252, Occupations Code, as follows:

Sec. 2052.252. New heading: REGULATED AMATEUR EVENTS. (a) Provides that this section applies to an amateur combative sports event, other than an event described by Section 2052.110, rather than 2052.110(2), (3), (4), or (5) or an elimination tournament subject to Subchapter E, in which a fee is charged for admission to the event.

(b) Requires the amateur combative sports association sponsoring or producing the event to register with the department not later than 30 days before the date the event begins.

(c) Creates subsection from existing text.

(d) Requires each contestant, rather than entry, in the event to have been a member of the amateur combative sports association for the 30-day period immediately preceding the date the event begins and is required to be a member on the date of the event. Deletes existing text requiring registration not later than the third day before an event.

(e) Requires the amateur combative sports association, rather than organization, to determine the amateur standing of the event contestants and to establish training programs consisting of at least 30 days of training for each contestant.

(f) Creates subsection from existing text. Deletes existing text requiring profits from events to be used to develop amateur athletics.

(g) Redesignated from existing Subsection (h). Deletes text of existing Subsection (g) authorizing only a licensed judge or referee to participate in the event.

(h) Prohibits a professional combative sports contestant licensed under this chapter from participating as a contestant, rather than in any capacity, in the event.

SECTION 17. Amends Subchapter F, Chapter 2052, Occupations Code, by adding Section 2052.254, as follows:

Sec. 2052.254. ELIMINATION TOURNAMENTS. Prohibits an elimination tournament from being conducted in this state.

SECTION 18. Repealers in the Occupations Code:

(1) Sections 2052.103 (Elimination Tournament Boxing Promoter License Application Requirements), 2052.105 (Wrestling Promoter Registration), and 2052.106 (Wrestling Promoter Application Requirements); and

(2) Subchapter E (Regulation of Elimination Tournaments), Chapter 2052.

SECTION 19. Effective date: September 1, 2005.

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**March 28, 2005**

**TO:** Honorable Troy Fraser, Chair, Senate Committee on Business & Commerce

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE: SB796** by Lucio (Relating to the combative sports program.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
---

The bill would amend the Occupations Code by defining combative sports terms relating to the Combative Sports Program in the Department of Licensing and Regulation (TDLR), such as "amateur", "amateur combative sports association", and "contest". The bill would define "combative sports" to include boxing, kickboxing, martial arts, and mixed martial arts, where participants voluntarily engage in full contact to score points, to cause an opponent to submit, or to disable an opponent in a contest, match, or exhibition.

The bill states that an elimination tournament and wrestling promoter registration and application may not be conducted in this state by repealing Sections 2052.103, 2052.105, 2052.106, and Subchapter E, Chapter 2052, of the Occupations Code. According to TDLR, the provisions of this bill would have no significant fiscal impact.

The bill would take effect September 1, 2005.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 304 Comptroller of Public Accounts, 452 Department of Licensing and Regulation

**LBB Staff:** JOB, JRO, MW, DE, RR

## REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

SENATOR CHRIS HARRIS, CHAIRMAN  
SENATE COMMITTEE ON ADMINISTRATION

Notice is hereby given that SB796, by Lucio,  
(Bill No.) (Author/Sponsor)

was heard by the Committee on Business and Commerce on March 29, 2005,

and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.



(Clerk of the reporting committee)

**IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A COMMITTEE PRINTED VERSION OF THE BILL OR RESOLUTION AND SHOULD BE DELIVERED TO THE ADMINISTRATION COMMITTEE OFFICE, E1.714. DEADLINES FOR SUBMITTING BILLS AND RESOLUTIONS WILL BE ANNOUNCED ON A REGULAR BASIS.**

Engrossed April 7, 2005  
Mardi Alexander  
Engrossing Clerk

I certify this to be a true and correct  
copy of the indicated document as  
referred or transmitted to committee.

Chief Clerk of the House

By: Lucio  
(Goolsby)

S.B. No. 796

A BILL TO BE ENTITLED

AN ACT

relating to the combative sports program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2052.002, Occupations Code, is amended  
to read as follows:

Sec. 2052.002. DEFINITIONS. In this chapter:

(1) "Amateur" means a person who has never received or  
competed for any purse or other thing of value, including  
reimbursement for expenses related to training or to participation  
in a combative sports event, that exceeded the maximum amount  
established by an amateur combative sports association.

(2) "Amateur combative sports association" means an  
organization that has nonprofit status under the laws of this state  
or under federal law and that produces, arranges, advertises,  
conducts, or stages combative sports events in which all the  
contestants are amateurs.

(3) "Boxing" means to compete with the fists.

(4) "Combative sports" means sports, including  
boxing, kickboxing, martial arts, and mixed martial arts, in which  
participants voluntarily engage in full contact to score points, to  
cause an opponent to submit, or to disable an opponent in a contest,  
match, or exhibition. The term does not include student training or  
exhibitions of students' skills conducted by martial arts schools,  
or associations of schools, where the students' participation is

for health and recreational purposes rather than competition and where the intent is to use only partial contact ~~[includes kickboxing, in which a person delivers blows with any part of the arm below the shoulder, including the hand, and any part of the leg below the hip, including the foot.~~

~~[(2) "Boxing promoter" means a person who arranges, advertises, or conducts a boxing event.~~

~~[(3) "Championship tournament" means a state, regional, national, or international elimination tournament in which the winners of elimination tournaments compete for a championship in each weight category].~~

(5) ~~[(4)]~~ "Commission" means the Texas Commission of Licensing and Regulation.

(6) "Contest" means a combative sports engagement in which the participants strive earnestly to win.

(7) ~~[(5)]~~ "Department" means the Texas Department of Licensing and Regulation.

(8) ~~[(6)]~~ "Elimination tournament" means a combative sports ~~[boxing]~~ contest in which ~~[elimination tournament]~~ contestants compete in a series of matches until not more than one contestant remains in any weight category. The term does not include an ~~[a boxing]~~ event described by Section 2052.110.

(9) ~~[(7) "Elimination tournament boxing promoter" means a person who arranges, advertises, or conducts an elimination tournament.~~

~~[(8) "Elimination tournament contestant" means a person who competes in an elimination tournament.~~

~~[(8-a)]~~ "Executive director" means the executive director of the department or the executive director's designated representative.

(10) ~~[(9)]~~ "Exhibition" means a combative sports ~~[boxing or wrestling]~~ skills demonstration.

(11) ~~[(10)]~~ "Event" means a contest, match, or exhibition.

(12) ~~[(11)]~~ "Judge" means a person who is ~~[(A) located at ringside during a boxing match,~~  
and

~~[(B)]~~ responsible for scoring the performances of the participants in a ~~[the]~~ match.

(13) "Kickboxing" means to compete by delivering blows with the fists, arms, feet, legs, or any combination thereof.

(14) "Martial arts" means any one of the individual disciplines described by rule adopted by the commission in which the contestants engage in unarmed combat using the applicable techniques to grapple with, kick, or strike an opponent to win a contest by causing an opponent to submit or by scoring points against or disabling an opponent.

(15) "Match" means any contest or exhibition.

(16) "Mixed martial arts" means unarmed combat involving the use of a combination of techniques from different disciplines of the martial arts including grappling, kicking, and striking and may include the use of full, unrestrained physical force.

(17) ~~[(12)]~~ "Local tournament" means an elimination

~~tournament in which only a resident of this state may compete.~~

[~~(13)~~] "Professional combative sports contestant  
[~~boxer~~]" means a person who competes in a combative sports [~~boxing~~]  
event in this state conducted for a purse or compensation.

(18) [~~(13-a)~~] "Promoter" means any person who  
produces, arranges, advertises, conducts, or stages a combative  
sports event [~~a boxing promoter or wrestling promoter~~].

(19) [~~(14)~~] "Referee" means a person who:

(A) is present in the ring during a match [~~boxing~~  
~~event~~]; and

(B) exercises general supervision of the match  
[~~event~~].

(20) [~~(15)~~] "~~Regional tournament~~" means ~~an elimination~~  
~~tournament in which a contestant from outside of the immediate area~~  
~~in which the tournament is conducted may compete against local~~  
~~contestants.~~

[~~(15-a)~~] "Ringside physician" means an individual  
licensed to practice medicine in this state who is registered with  
the department.

[~~(16)~~] "~~Wrestling promoter~~" means ~~a person who~~  
~~arranges, advertises, or conducts a wrestling event.~~

SECTION 2. Subsection (b), Section 2052.052, Occupations  
Code, is amended to read as follows:

(b) The commission may adopt rules:

(1) governing boxing, [~~professional~~] kickboxing,  
martial arts, or mixed martial arts contests and exhibitions;

(2) establishing reasonable qualifications for an

1 applicant seeking a license or registration from the department  
2 under this chapter;

3 (3) recognizing a sanction, medical suspension, or  
4 disqualification of a licensee or registrant [~~license holder~~] by a  
5 combative sports authority in any state, provided that if licensure  
6 or registration is denied based on those actions, an applicant has  
7 an opportunity for [~~a right to~~] a hearing as prescribed by rule;

8 (4) establishing practice requirements or specialty  
9 certifications that a person licensed to practice medicine in this  
10 state must meet to register as a ringside physician;

11 (5) requiring a contestant to present with an  
12 application for licensure or license renewal documentation [~~to the~~  
13 ~~executive director at the time of weigh-in an original copy~~] of  
14 recent blood test results that demonstrate whether the contestant  
15 is free from hepatitis B virus, hepatitis C virus, human  
16 immunodeficiency virus, and any other communicable disease  
17 designated by commission rule and providing that a contestant's  
18 failure to provide the required blood test results disqualifies the  
19 contestant;

20 (6) providing that to participate in any event a  
21 contestant must be free of hepatitis B virus, hepatitis C virus,  
22 human immunodeficiency virus, and any other communicable disease  
23 designated by rule;

24 (7) requiring that a contestant present with an  
25 application for licensure or license renewal documentation of the  
26 results of [~~undergo~~] a physical examination, including an  
27 ophthalmologic [~~ophthalmological~~] examination, [~~at or near the time~~

1 ~~of weigh-in]~~ and providing for disqualification of a contestant who  
2 is determined by an examining physician to be unfit; ~~[and]~~

3 (8) establishing additional responsibilities for  
4 promoters; and

5 (9) governing regulated amateur events.

6 SECTION 3. Subsection (a), Section 2052.055, Occupations  
7 Code, is amended to read as follows:

8 (a) The presiding officer of the commission, with the  
9 commission's approval, may appoint a medical advisory committee to  
10 advise the department concerning health issues for combative sports  
11 ~~[boxing]~~ event contestants.

12 SECTION 4. Section 2052.101, Occupations Code, is amended  
13 to read as follows:

14 Sec. 2052.101. ~~[BOXING]~~ PROMOTER LICENSE. A person may not  
15 act as a ~~[boxing]~~ promoter ~~[or an elimination tournament boxing~~  
16 ~~promoter]~~ unless the person holds the appropriate ~~[a]~~ license  
17 issued under this chapter.

18 SECTION 5. The heading to Section 2052.102, Occupations  
19 Code, is amended to read as follows:

20 Sec. 2052.102. ~~[BOXING]~~ PROMOTER LICENSE APPLICATION  
21 REQUIREMENTS.

22 SECTION 6. Subsection (a), Section 2052.102, Occupations  
23 Code, is amended to read as follows:

24 (a) An applicant for a ~~[boxing]~~ promoter's license under  
25 this chapter must apply on a form furnished by the executive  
26 director.

27 SECTION 7. Section 2052.107, Occupations Code, is amended

to read as follows:

Sec. 2052.107. OTHER COMBATIVE SPORTS [~~BOXING~~] LICENSES.

Unless a person holds a license or registration issued under this chapter, the person may not act as a combative sports:

- (1) professional contestant [~~boxer~~];
- (2) manager of a professional contestant [~~boxer~~];
- (3) referee;
- (4) judge;
- (5) second;
- (6) timekeeper;
- (7) matchmaker; or
- (8) ringside physician.

SECTION 8. Section 2052.110, Occupations Code, is amended to read as follows:

Sec. 2052.110. LICENSE AND BONDING EXCEPTIONS. If the contestants are amateurs, the [~~The~~] licensing and bonding requirements of this chapter [~~subchapter~~] do not apply to:

(1) [~~a boxing event in which the participants do not receive a money remuneration, purse, or prize for their performances or services if the event is promoted, conducted, or maintained by:~~

- [~~(A) an educational institution,~~
- [~~(B) a law enforcement organization,~~
- [~~(C) a Texas National Guard Unit, or~~
- [~~(D) an amateur athletic organization recognized by the executive director,~~

[~~(2) an event conducted by a nonprofit amateur~~

~~athletic association chartered under the law of this state, including a membership club affiliated with the association located within this state and recognized by the executive director,~~

[~~(3)~~] an event conducted by a college, school, or university that is part of the institution's athletic program in which only students of [~~different~~] educational institutions participate;

(2) [~~(4)~~] an event which is conducted by [~~in which only members of~~] a troop, battery, company, or unit of the Texas National Guard or a law enforcement agency and in which only members of military or law enforcement organizations participate; or

(3) [~~(5)~~] an event which is conducted by an organization of the Olympic Games, the Paralympic Games, or the Pan-American Games and in which participants train or compete for advancement to or within the games.

SECTION 9. Section 2052.111, Occupations Code, is amended to read as follows:

Sec. 2052.111. DENIAL OF APPLICATION. The executive director may deny an application for a license or registration if:

(1) the applicant does not meet the qualifications for the license or registration; or

(2) after conducting an investigation and providing an opportunity for a hearing, the executive director determines that the applicant has violated this chapter or a rule adopted under this chapter.

SECTION 10. Section 2052.113, Occupations Code, is amended to read as follows:

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1           Sec. 2052.113. LICENSE AND PERMIT REQUIRED FOR CLOSED  
2 CIRCUIT [~~BOXING~~] TELECAST. A person who exhibits in this state a  
3 simultaneous telecast of a live, spontaneous, or current combative  
4 sports [~~boxing~~] event on a closed circuit telecast in which a fee is  
5 charged for admission to the telecast must:

6                   (1) hold a [~~boxing~~] promoter's license under this  
7 chapter; and

8                   (2) obtain a permit for the closed circuit telecast.

9           SECTION 11. Subchapter C, Chapter 2052, Occupations Code,  
10 is amended by adding Sections 2052.116 and 2052.117 to read as  
11 follows:

12           Sec. 2052.116. AMATEUR COMBATIVE SPORTS ASSOCIATION  
13 REGISTRATION. A person may not act as an amateur combative sports  
14 association unless the person is registered under this chapter.

15           Sec. 2052.117. AMATEUR COMBATIVE SPORTS ASSOCIATION  
16 REGISTRATION REQUIREMENTS. (a) An applicant for registration as  
17 an amateur combative sports association must apply on a form  
18 acceptable to the executive director.

19                   (b) An application must be accompanied by:

20                           (1) a registration fee in the amount set by the  
21 commission;

22                           (2) proof of compliance with requirements established  
23 by rule for:

24                                   (A) insurance; and

25                                   (B) surety bonds, if any;

26                           (3) a copy of the rules of the association  
27 establishing standards of conduct for contestants and officials;

and

(4) proof that the association is recognized or organized as a nonprofit organization under the laws of this state or has such status under federal law.

(c) Rules of the association must be approved by the department.

SECTION 12. Section 2052.151, Occupations Code, is amended to read as follows:

Sec. 2052.151. IMPOSITION AND RATE OF TAX. (a) A tax is imposed on a person who:

(1) conducts a combative sports [~~boxing~~] event~~[including an elimination tournament]~~ in which a fee is charged for admission to the event; or

(2) exhibits in this state a simultaneous telecast of a live, spontaneous, or current combative sports [~~boxing~~] event on a closed circuit telecast, in which a fee is charged for admission to the telecast~~[, or~~

~~[(3) conducts or sponsors an amateur boxing event, other than an event exempt from licensing under Section 2052.110(2), (3), (4), or (5), in which a fee is charged for admission to the event].~~

(b) The ~~[rate of the]~~ tax is three percent of the gross receipts obtained from the sale of tickets to the event, plus three percent of gross receipts received from sales of broadcast rights or \$30,000, whichever is less.

SECTION 13. Subsections (a) and (b), Section 2052.152, Occupations Code, are amended to read as follows:

(a) A person on whom a tax is imposed under Section 2052.151, not later than three business days [~~72 hours~~] after the end of the event or telecast for which the tax is due, shall submit to the department a verified report on a form acceptable to [~~furnished by~~] the department stating:

(1) the number of tickets sold to the event;

(2) the ticket prices charged;

(3) the gross price charged for the sale or lease of broadcasting, television, and motion picture rights without any deductions for commissions, brokerage fees, distribution fees, advertising, or other expenses or charges; and

(4) the amount of gross receipts obtained from the event.

(b) The person shall attach to the report a cashier's check, check, or money order payable to this state in the amount of the tax imposed on the event covered by the report.

SECTION 14. Section 2052.153, Occupations Code, is amended to read as follows:

Sec. 2052.153. CLOSED CIRCUIT TELECAST. A person exhibiting a simultaneous telecast of a live, spontaneous, or current combative sports [~~boxing~~] event on a closed circuit telecast that occurs in Texas in which a fee is charged for admission to the exhibition:

(1) must:

(A) be a [~~boxing~~] promoter; and

(B) obtain a permit for each telecast exhibited;

and

(2) shall comply with the tax provisions of Sections  
~~[Section]~~ 2052.151 and 2052.152.

SECTION 15. Section 2052.251, Occupations Code, is amended  
to read as follows:

Sec. 2052.251. ~~[BOXING]~~ GLOVES. A combative sports  
~~[boxing]~~ event contestant~~[, other than an elimination tournament~~  
~~contestant under Subchapter E,~~ shall wear ~~[eight-ounce boxing]~~  
gloves of the type and weight specified by commission rule, unless  
the commission by applicable rule requires or permits contestants  
~~[a contestant]~~ to not wear ~~[heavier]~~ gloves.

SECTION 16. Section 2052.252, Occupations Code, is amended  
to read as follows:

Sec. 2052.252. REGULATED ~~[CERTAIN]~~ AMATEUR EVENTS.  
(a) This section applies to an amateur combative sports ~~[boxing]~~  
event, other than an event described by Section 2052.110  
~~[2052.110(2), (3), (4), or (5) or an elimination tournament subject~~  
~~to Subchapter E]~~, in which a fee is charged for admission to the  
event.

(b) The amateur combative sports association sponsoring or  
producing the event shall register with the department not later  
than 30 days before the date the event begins.

(c) The event may take place only if the executive director  
approves the event not later than seven days before the date the  
event begins.

(d) ~~[(c)]~~ Each contestant ~~[entry]~~ in the event must have  
been a member of the amateur combative sports association for the  
30-day period immediately preceding ~~[be filed with the amateur~~

f  
see

S.B. No. 796

1 ~~organization not later than the third day before]~~ the date the event  
2 begins and must be a member on the date of the event.

3 (e) ~~[(d)]~~ The amateur combative sports association  
4 ~~[organization]~~ shall determine the amateur standing of the event  
5 contestants and shall establish training programs consisting of at  
6 least 30 days of training for each contestant.

7 (f) ~~[(e)]~~ The event is subject to the supervision of the  
8 executive director.

9 ~~[(f) All profits from the event must be used to develop~~  
10 ~~amateur athletics.]~~

11 (g) ~~[Only a referee or judge licensed under this chapter may~~  
12 ~~participate in the event.]~~

13 ~~[(h)]~~ Each contestant participating in the event must be  
14 examined by a licensed physician within a reasonable time before  
15 the event begins. A licensed physician must be present at ringside  
16 during the entire event.

17 (h) ~~[(i)]~~ A professional combative sports contestant  
18 ~~[boxer]~~ licensed under this chapter may not participate as a  
19 contestant ~~[in any capacity]~~ in the event.

20 SECTION 17. Subchapter F, Chapter 2052, Occupations Code,  
21 is amended by adding Section 2052.254 to read as follows:

22 Sec. 2052.254. ELIMINATION TOURNAMENTS. An elimination  
23 tournament may not be conducted in this state.

24 SECTION 18. The following provisions of the Occupations  
25 Code are repealed:

- 26 (1) Sections 2052.103, 2052.105, and 2052.106; and  
27 (2) Subchapter E, Chapter 2052.

8  
be

S.B. No. 796

1       SECTION 19.   This Act takes effect September 1, 2005.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**March 28, 2005**

**TO:** Honorable Troy Fraser, Chair, Senate Committee on Business & Commerce

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE: SB796** by Lucio (Relating to the combative sports program.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
---

The bill would amend the Occupations Code by defining combative sports terms relating to the Combative Sports Program in the Department of Licensing and Regulation (TDLR), such as "amateur", "amateur combative sports association", and "contest". The bill would define "combative sports" to include boxing, kickboxing, martial arts, and mixed martial arts, where participants voluntarily engage in full contact to score points, to cause an opponent to submit, or to disable an opponent in a contest, match, or exhibition.

The bill states that an elimination tournament and wrestling promoter registration and application may not be conducted in this state by repealing Sections 2052.103, 2052.105, 2052.106, and Subchapter E, Chapter 2052, of the Occupations Code. According to TDLR, the provisions of this bill would have no significant fiscal impact.

The bill would take effect September 1, 2005.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 304 Comptroller of Public Accounts, 452 Department of Licensing and Regulation

**LBB Staff:** JOB, JRO, MW, DE, RR

# HOUSE COMMITTEE REPORT

05 APR 27 PM 9:37  
HOUSE OF REPRESENTATIVES

1<sup>st</sup> Printing

By: Lucio  
(Goolsby)

S.B. No. 796

A BILL TO BE ENTITLED

AN ACT

relating to the combative sports program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2052.002, Occupations Code, is amended to read as follows:

Sec. 2052.002. DEFINITIONS. In this chapter:

(1) "Amateur" means a person who has never received or competed for any purse or other thing of value, including reimbursement for expenses related to training or to participation in a combative sports event, that exceeded the maximum amount established by an amateur combative sports association.

(2) "Amateur combative sports association" means an organization that has nonprofit status under the laws of this state or under federal law and that produces, arranges, advertises, conducts, or stages combative sports events in which all the contestants are amateurs.

(3) "Boxing" means to compete with the fists.

(4) "Combative sports" means sports, including boxing, kickboxing, martial arts, and mixed martial arts, in which participants voluntarily engage in full contact to score points, to cause an opponent to submit, or to disable an opponent in a contest, match, or exhibition. The term does not include student training or exhibitions of students' skills conducted by martial arts schools, or associations of schools, where the students' participation is

1 for health and recreational purposes rather than competition and  
2 where the intent is to use only partial contact ~~[includes~~  
3 ~~kickboxing, in which a person delivers blows with any part of the~~  
4 ~~arm below the shoulder, including the hand, and any part of the leg~~  
5 ~~below the hip, including the foot.~~

6 ~~[(2) "Boxing promoter" means a person who arranges,~~  
7 ~~advertises, or conducts a boxing event.~~

8 ~~[(3) "Championship tournament" means a state,~~  
9 ~~regional, national, or international elimination tournament in~~  
10 ~~which the winners of elimination tournaments compete for a~~  
11 ~~championship in each weight category].~~

12 (5) [(4)] "Commission" means the Texas Commission of  
13 Licensing and Regulation.

14 (6) "Contest" means a combative sports engagement in  
15 which the participants strive earnestly to win.

16 (7) [(5)] "Department" means the Texas Department of  
17 Licensing and Regulation.

18 (8) [(6)] "Elimination tournament" means a combative  
19 sports ~~[boxing]~~ contest in which ~~[elimination tournament]~~  
20 contestants compete in a series of matches until not more than one  
21 contestant remains in any weight category. The term does not  
22 include an ~~[a boxing]~~ event described by Section 2052.110.

23 (9) [(7) "Elimination tournament boxing promoter"  
24 ~~means a person who arranges, advertises, or conducts an elimination~~  
25 ~~tournament.~~

26 ~~[(8) "Elimination tournament contestant" means a~~  
27 ~~person who competes in an elimination tournament.~~

1           ~~[(8-a)]~~ "Executive director" means the executive  
2 director of the department or the executive director's designated  
3 representative.

4           (10) ~~[(9)]~~ "Exhibition" means a combative sports  
5 ~~[boxing or wrestling]~~ skills demonstration.

6           (11) ~~[(10)]~~ "Event" means a contest, match, or  
7 exhibition.

8           (12) ~~[(11)]~~ "Judge" means a person who is [+  
9                   ~~[(A)] located at ringside during a boxing match,~~  
10 and

11                   ~~[(B)]~~ responsible for scoring the performances  
12 of the participants in a a ~~[the]~~ match.

13           (13) "Kickboxing" means to compete by delivering blows  
14 with the fists, arms, feet, legs, or any combination thereof.

15           (14) "Martial arts" means any one of the individual  
16 disciplines described by rule adopted by the commission in which  
17 the contestants engage in unarmed combat using the applicable  
18 techniques to grapple with, kick, or strike an opponent to win a  
19 contest by causing an opponent to submit or by scoring points  
20 against or disabling an opponent.

21           (15) "Match" means any contest or exhibition.

22           (16) "Mixed martial arts" means unarmed combat  
23 involving the use of a combination of techniques from different  
24 disciplines of the martial arts including grappling, kicking, and  
25 striking and may include the use of full, unrestrained physical  
26 force.

27           (17) ~~[(12)]~~ "Local tournament" means an elimination

~~tournament in which only a resident of this state may compete.~~

~~(13)~~ "Professional combative sports contestant  
[~~boxer~~]" means a person who competes in a combative sports [~~boxing~~]  
event in this state conducted for a purse or compensation.

(18) ~~(13-a)~~ "Promoter" means any person who  
produces, arranges, advertises, conducts, or stages a combative  
sports event [~~a boxing promoter or wrestling promoter~~].

(19) ~~(14)~~ "Referee" means a person who:

(A) is present in the ring during a match [~~boxing~~  
~~event~~]; and

(B) exercises general supervision of the match  
[~~event~~].

~~(20) (15) "Regional tournament" means an elimination~~  
~~tournament in which a contestant from outside of the immediate area~~  
~~in which the tournament is conducted may compete against local~~  
~~contestants.~~

~~(15-a)~~ "Ringside physician" means an individual  
licensed to practice medicine in this state who is registered with  
the department.

~~(16) "Wrestling promoter" means a person who~~  
~~arranges, advertises, or conducts a wrestling event.]~~

SECTION 2. Subsection (b), Section 2052.052, Occupations  
Code, is amended to read as follows:

(b) The commission may adopt rules:

(1) governing boxing, [~~professional~~] kickboxing,  
martial arts, or mixed martial arts contests and exhibitions;

(2) establishing reasonable qualifications for an

1 applicant seeking a license or registration from the department  
2 under this chapter;

3 (3) recognizing a sanction, medical suspension, or  
4 disqualification of a licensee or registrant [~~license holder~~] by a  
5 combative sports authority in any state, provided that if licensure  
6 or registration is denied based on those actions, an applicant has  
7 an opportunity for [~~a right to~~] a hearing as prescribed by rule;

8 (4) establishing practice requirements or specialty  
9 certifications that a person licensed to practice medicine in this  
10 state must meet to register as a ringside physician;

11 (5) requiring a contestant to present with an  
12 application for licensure or license renewal documentation [~~to the~~  
13 ~~executive director at the time of weigh-in an original copy~~] of  
14 recent blood test results that demonstrate whether the contestant  
15 is free from hepatitis B virus, hepatitis C virus, human  
16 immunodeficiency virus, and any other communicable disease  
17 designated by commission rule and providing that a contestant's  
18 failure to provide the required blood test results disqualifies the  
19 contestant;

20 (6) providing that to participate in any event a  
21 contestant must be free of hepatitis B virus, hepatitis C virus,  
22 human immunodeficiency virus, and any other communicable disease  
23 designated by rule;

24 (7) requiring that a contestant present with an  
25 application for licensure or license renewal documentation of the  
26 results of [~~undergo~~] a physical examination, including an  
27 ophthalmologic [~~ophthalmological~~] examination, [~~at or near the time~~

1 ~~of weigh-in~~] and providing for disqualification of a contestant who  
2 is determined by an examining physician to be unfit; ~~and~~

3 (8) establishing additional responsibilities for  
4 promoters; and

5 (9) governing regulated amateur events.

6 SECTION 3. Subsection (a), Section 2052.055, Occupations  
7 Code, is amended to read as follows:

8 (a) The presiding officer of the commission, with the  
9 commission's approval, may appoint a medical advisory committee to  
10 advise the department concerning health issues for combative sports  
11 ~~[boxing]~~ event contestants.

12 SECTION 4. Section 2052.101, Occupations Code, is amended  
13 to read as follows:

14 Sec. 2052.101. ~~[BOXING]~~ PROMOTER LICENSE. A person may not  
15 act as a ~~[boxing]~~ promoter ~~[or an elimination tournament boxing~~  
16 ~~promoter]~~ unless the person holds the appropriate ~~[a]~~ license  
17 issued under this chapter.

18 SECTION 5. The heading to Section 2052.102, Occupations  
19 Code, is amended to read as follows:

20 Sec. 2052.102. ~~[BOXING]~~ PROMOTER LICENSE APPLICATION  
21 REQUIREMENTS.

22 SECTION 6. Subsection (a), Section 2052.102, Occupations  
23 Code, is amended to read as follows:

24 (a) An applicant for a ~~[boxing]~~ promoter's license under  
25 this chapter must apply on a form furnished by the executive  
26 director.

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to read as follows:

Sec. 2052.107. OTHER COMBATIVE SPORTS [~~BOXING~~] LICENSES.

Unless a person holds a license or registration issued under this chapter, the person may not act as a combative sports:

- (1) professional contestant [~~boxer~~];
- (2) manager of a professional contestant [~~boxer~~];
- (3) referee;
- (4) judge;
- (5) second;
- (6) timekeeper;
- (7) matchmaker; or
- (8) ringside physician.

SECTION 8. Section 2052.110, Occupations Code, is amended to read as follows:

Sec. 2052.110. LICENSE AND BONDING EXCEPTIONS. If the contestants are amateurs, the [~~The~~] licensing and bonding requirements of this chapter [~~subchapter~~] do not apply to:

(1) [~~a boxing event in which the participants do not receive a money remuneration, purse, or prize for their performances or services if the event is promoted, conducted, or maintained by:~~

[~~(A) an educational institution,~~

[~~(B) a law enforcement organization,~~

[~~(C) a Texas National Guard Unit, or~~

[~~(D) an amateur athletic organization recognized by the executive director,~~

[~~(2) an event conducted by a nonprofit amateur~~

~~athletic association chartered under the law of this state, including a membership club affiliated with the association located within this state and recognized by the executive director,~~

[~~(3)~~] an event conducted by a college, school, or university that is part of the institution's athletic program in which only students of [~~different~~] educational institutions participate;

(2) [~~(4)~~] an event which is conducted by [~~in which only members of~~] a troop, battery, company, or unit of the Texas National Guard or a law enforcement agency and in which only members of military or law enforcement organizations participate; or

(3) [~~(5)~~] an event which is conducted by an organization of the Olympic Games, the Paralympic Games, or the Pan-American Games and in which participants train or compete for advancement to or within the games.

SECTION 9. Section 2052.111, Occupations Code, is amended to read as follows:

Sec. 2052.111. DENIAL OF APPLICATION. The executive director may deny an application for a license or registration if:

(1) the applicant does not meet the qualifications for the license or registration; or

(2) after conducting an investigation and providing an opportunity for a hearing, the executive director determines that the applicant has violated this chapter or a rule adopted under this chapter.

SECTION 10. Section 2052.113, Occupations Code, is amended to read as follows:

1           Sec. 2052.113. LICENSE AND PERMIT REQUIRED FOR CLOSED  
2 CIRCUIT [~~BOXING~~] TELECAST. A person who exhibits in this state a  
3 simultaneous telecast of a live, spontaneous, or current combative  
4 sports [~~boxing~~] event on a closed circuit telecast in which a fee is  
5 charged for admission to the telecast must:

6           (1) hold a [~~boxing~~] promoter's license under this  
7 chapter; and

8           (2) obtain a permit for the closed circuit telecast.

9           SECTION 11. Subchapter C, Chapter 2052, Occupations Code,  
10 is amended by adding Sections 2052.116 and 2052.117 to read as  
11 follows:

12           Sec. 2052.116. AMATEUR COMBATIVE SPORTS ASSOCIATION  
13 REGISTRATION. A person may not act as an amateur combative sports  
14 association unless the person is registered under this chapter.

15           Sec. 2052.117. AMATEUR COMBATIVE SPORTS ASSOCIATION  
16 REGISTRATION REQUIREMENTS. (a) An applicant for registration as  
17 an amateur combative sports association must apply on a form  
18 acceptable to the executive director.

19           (b) An application must be accompanied by:

20           (1) a registration fee in the amount set by the  
21 commission;

22           (2) proof of compliance with requirements established  
23 by rule for:

24                   (A) insurance; and

25                   (B) surety bonds, if any;

26           (3) a copy of the rules of the association  
27 establishing standards of conduct for contestants and officials;

1 and

2 (4) proof that the association is recognized or  
3 organized as a nonprofit organization under the laws of this state  
4 or has such status under federal law.

5 (c) Rules of the association must be approved by the  
6 department.

7 SECTION 12. Section 2052.151, Occupations Code, is amended  
8 to read as follows:

9 Sec. 2052.151. IMPOSITION AND RATE OF TAX. (a) A tax is  
10 imposed on a person who:

11 (1) conducts a combative sports [~~boxing~~] event[~~,r~~  
12 ~~including an elimination tournament,~~] in which a fee is charged for  
13 admission to the event; or

14 (2) exhibits in this state a simultaneous telecast of  
15 a live, spontaneous, or current combative sports [~~boxing~~] event on  
16 a closed circuit telecast, in which a fee is charged for admission  
17 to the telecast[~~, or~~

18 [~~(3) conducts or sponsors an amateur boxing event,~~  
19 ~~other than an event exempt from licensing under Section~~  
20 ~~2052.110(2), (3), (4), or (5), in which a fee is charged for~~  
21 ~~admission to the event].~~

22 (b) The [~~rate of the~~] tax is three percent of the gross  
23 receipts obtained from the sale of tickets to the event, plus three  
24 percent of gross receipts received from sales of broadcast rights  
25 or \$30,000, whichever is less.

26 SECTION 13. Subsections (a) and (b), Section 2052.152,  
27 Occupations Code, are amended to read as follows:

(a) A person on whom a tax is imposed under Section 2052.151, not later than three business days [~~72 hours~~] after the end of the event or telecast for which the tax is due, shall submit to the department a verified report on a form acceptable to [~~furnished by~~] the department stating:

(1) the number of tickets sold to the event;

(2) the ticket prices charged;

(3) the gross price charged for the sale or lease of broadcasting, television, and motion picture rights without any deductions for commissions, brokerage fees, distribution fees, advertising, or other expenses or charges; and

(4) the amount of gross receipts obtained from the event.

(b) The person shall attach to the report a cashier's check, check, or money order payable to this state in the amount of the tax imposed on the event covered by the report.

SECTION 14. Section 2052.153, Occupations Code, is amended to read as follows:

Sec. 2052.153. CLOSED CIRCUIT TELECAST. A person exhibiting a simultaneous telecast of a live, spontaneous, or current combative sports [~~boxing~~] event on a closed circuit telecast that occurs in Texas in which a fee is charged for admission to the exhibition:

(1) must:

(A) be a [~~boxing~~] promoter; and

(B) obtain a permit for each telecast exhibited;

and

(2) shall comply with the tax provisions of Sections  
~~[Section]~~ 2052.151 and 2052.152.

SECTION 15. Section 2052.251, Occupations Code, is amended  
to read as follows:

Sec. 2052.251. ~~[BOXING]~~ GLOVES. A combative sports  
~~[boxing]~~ event contestant~~[, other than an elimination tournament~~  
~~contestant under Subchapter E,~~] shall wear ~~[eight-ounce boxing]~~  
gloves of the type and weight specified by commission rule, unless  
the commission by applicable rule requires or permits contestants  
~~[a contestant]~~ to not wear ~~[heavier]~~ gloves.

SECTION 16. Section 2052.252, Occupations Code, is amended  
to read as follows:

Sec. 2052.252. REGULATED ~~[CERTAIN]~~ AMATEUR EVENTS.

(a) This section applies to an amateur combative sports ~~[boxing]~~  
event, other than an event described by Section 2052.110  
~~[2052.110(2), (3), (4), or (5) or an elimination tournament subject~~  
~~to Subchapter E]~~, in which a fee is charged for admission to the  
event.

(b) The amateur combative sports association sponsoring or  
producing the event shall register with the department not later  
than 30 days before the date the event begins.

(c) The event may take place only if the executive director  
approves the event not later than seven days before the date the  
event begins.

(d) ~~[(c)]~~ Each contestant ~~[entry]~~ in the event must have  
been a member of the amateur combative sports association for the  
30-day period immediately preceding ~~[be filed with the amateur~~

1 ~~organization not later than the third day before]~~ the date the event  
2 begins and must be a member on the date of the event.

3 (e) [~~(d)~~] The amateur combative sports association  
4 [~~organization~~] shall determine the amateur standing of the event  
5 contestants and shall establish training programs consisting of at  
6 least 30 days of training for each contestant.

7 (f) [~~(e)~~] The event is subject to the supervision of the  
8 executive director.

9 [~~(f) All profits from the event must be used to develop~~  
10 ~~amateur athletics.~~]

11 (g) [~~Only a referee or judge licensed under this chapter may~~  
12 ~~participate in the event.~~]

13 [~~(h)~~] Each contestant participating in the event must be  
14 examined by a licensed physician within a reasonable time before  
15 the event begins. A licensed physician must be present at ringside  
16 during the entire event.

17 (h) [~~(i)~~] A professional combative sports contestant  
18 [~~boxer~~] licensed under this chapter may not participate as a  
19 contestant [~~in any capacity~~] in the event.

20 SECTION 17. Subchapter F, Chapter 2052, Occupations Code,  
21 is amended by adding Section 2052.254 to read as follows:

22 Sec. 2052.254. ELIMINATION TOURNAMENTS. An elimination  
23 tournament may not be conducted in this state.

24 SECTION 18. The following provisions of the Occupations  
25 Code are repealed:

- 26 (1) Sections 2052.103, 2052.105, and 2052.106; and  
27 (2) Subchapter E, Chapter 2052.

# COMMITTEE REPORT

The Honorable Tom Craddick  
Speaker of the House of Representatives

April 27, 2005  
(date)

Sir:

We, your COMMITTEE ON LICENSING AND ADMINISTRATIVE PROCEDURES

to whom was referred SB-796 have had the same under consideration and beg to report back with the recommendation that it

- ☒ do pass, without amendment.  
☐ do pass, with amendment(s).  
☐ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.  
☐ yes ☒ no A fiscal note was requested.  
☐ yes ☒ no A criminal justice policy impact statement was requested.  
☐ yes ☒ no An equalized educational funding impact statement was requested.  
☐ yes ☒ no An actuarial analysis was requested.  
☐ yes ☒ no A water development policy impact statement was requested.  
☐ yes ☒ no A tax equity note was requested.  
☐ The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor Goolsby

Joint Sponsors: \_\_\_\_\_

Co-Sponsors: \_\_\_\_\_

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Flores, Chair	X			
Geren, Vice-chair	X			
Chisum				X
Goolsby	X			
Hamilton				X
Homer	X			
Jones, D.				X
Morrison	X			
Quintanilla	X			

Total

6 aye  
0 nay  
0 present, not voting  
3 absent

CHAIR

## **BILL ANALYSIS**

S.B. 796  
By: Lucio  
Licensing & Administrative Procedures  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Boxing was first regulated by the state in 1933 as a way to increase government revenue during the Great Depression. In the decades since, the law has evolved primarily to protect the physical and fiscal health of the boxers and to ensure the fairness of the fight. S.B. 796 continues this process and provides the Texas Department of Licensing and Regulation (department) the means to accommodate the growth of combative sports in Texas. S.B. 796 will encourage the growth of combative sports while improving the state's economic advantage over competitive states. It also will allow the department to concentrate its resources where they are most needed and enhance regulation of emerging combative sports. Combative sports continue to evolve and the law needs to be updated to reflect the current state of boxing and other combative sports.

As proposed, S.B. 796 will prohibit elimination tournaments in Texas. Texas currently assesses a three percent tax on the broadcasting rights receipts for combative sports. Unlike many states, the Texas tax has no cap. S.B. 796 will set a cap of \$30,000 on the broadcasting tax.

Further, S.B. 796 reduces regulation and red tape for established amateur sporting organizations by removing the requirement that the organization be recognized by the executive director of the department and that they notify the department in advance of their events.

S.B. 796 improves regulation of less established amateur combative sports organizations by requiring them to have their rules reviewed annually by the department.

Finally, S.B. 796 ends the requirement that professional wrestling promoters register with the Texas Secretary of State.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTION 2 (Section 2052.052, Occupations Code) and SECTION 15 (Section 2052.251, Occupations Code) of this bill.

### **ANALYSIS**

SECTION 1. Amends Section 2052.002, Occupations Code, as follows:

Sec. 2052.002. DEFINITIONS. Defines "amateur," "amateur combative sports association," "combative sports," "contest," "kickboxing," "martial arts," "match," and "mixed martial arts."

Redefines "boxing," "elimination tournament," "exhibition," "judge," "professional combative sports contestant," "promoter," and "referee."

Deletes existing definitions of "boxing promoter," "championship tournament," "elimination tournament boxing promoter," "elimination tournament contestant," "local tournament," "regional tournament," and "wrestling promoter."

SECTION 2. Amends Subsection (b), Section 2052.052, Occupations Code, to modify the areas for which the Texas Commission of Licensing and Regulation (commission) is authorized to adopt rules relating to boxing, martial arts, or mixed martial arts.

SECTION 3. Amends Section 2052.055(a), Occupations Code, to make a conforming change.

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SECTION 4. Amends Section 2052.101, Occupations Code, to make conforming changes.

SECTION 5. Amends the heading to Section 2052.102, Occupations Code, to read as follows:

Sec. 2052.102. PROMOTER LICENSE APPLICATION REQUIREMENTS.

SECTION 6. Amends Section 2052.102(a), Occupations Code, to make a conforming change.

SECTION 7. Amends Section 2052.107, Occupations Code, to make conforming changes.

SECTION 8. Amends Section 2052.110, Occupations Code, as follows:

Sec. 2052.110. LICENSE AND BONDING EXCEPTIONS. Provides that, if the contestants are amateurs, the licensing and bonding requirements of this chapter do not apply to:

(1) an event conducted by a college, school, or university that is part of the institution's athletic program in which only students of educational institutions participate;

(2) an event which is conducted by a troop, battery, company, or unit of the Texas National Guard or a law enforcement agency, and in which only members of military or law enforcement organizations participate; or

(3) an event which is conducted by an organization of the Olympic Games, the Paralympic Games, or the Pan-American Games and in which participants train or compete for advancement to or within the games. Deletes existing exceptions relating to a boxing events conducted with no prizes or that are conducted by a nonprofit organization. Renumbers subdivisions to reflect changes.

SECTION 9. Amends Section 2052.111, Occupations Code, to authorize the executive director to deny an application for a license or registration if certain circumstances apply.

SECTION 10. Amends Section 2052.113, Occupations Code, to make conforming changes.

SECTION 11. Amends Subchapter C, Chapter 2052, Occupations Code, by adding Sections 2052.116 and 2052.117, as follows:

Sec. 2052.116. AMATEUR COMBATIVE SPORTS ASSOCIATION REGISTRATION. Prohibits a person from acting as an amateur combative sports association unless the person is registered under this chapter.

Sec. 2052.117. AMATEUR COMBATIVE SPORTS ASSOCIATION REGISTRATION REQUIREMENTS. (a) Requires an applicant for registration as an amateur combative sports association to apply on a form acceptable to the executive director.

(b) Requires that an application be accompanied by a fee and certain information.

(c) Requires that rules of the association be approved by the department.

SECTION 12. Amends Section 2052.151, Occupations Code, as follows:

Sec. 2052.151. IMPOSITION AND RATE OF TAX. (a) Makes conforming changes.

(b) Provides that the tax, rather than the rate of the tax, is three percent of the gross receipts obtained from the sale of tickets to the event, and, in addition, three percent of gross receipts received from sales of broadcast rights or \$30,000, whichever is less.

SECTION 13. Amends Sections 2052.152 (a) and (b), Occupations Code, as follows:

(a) Requires a person on whom a tax is imposed under Section 2052.151, not later than three business days, rather than 72 hours, after the end of the event or telecast for which the tax is due,

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to submit to the department a verified report on a form acceptable to, rather than furnished by, the department stating certain information.

(b) Includes a check in the forms of acceptable payment a person is required to attach to a report.

SECTION 14. Amends Section 2052.153, Occupations Code, to specify that a person exhibiting a simultaneous telecast of a live, spontaneous, or current combative sports event on a closed circuit telecast that occurs in Texas in which a fee is charge for admission to the exhibition is required to meet certain requirements, including compliance with the tax provisions of both Sections 2052.151 and 2052.152. Makes conforming changes.

SECTION 15. Amends Section 2052.251, Occupations Code, as follows:

Sec. 2052.251. New heading: GLOVES. Requires a combative sports event contestant to wear gloves of the type and weight specified by commission rule, rather than eight-ounce boxing gloves, unless the commission by applicable rule requires or permits contestants to not wear gloves. Makes conforming changes.

SECTION 16. Amends Section 2052.252, Occupations Code, as follows:

Sec. 2052.252. New heading: REGULATED AMATEUR EVENTS. (a) Provides that this section applies to an amateur combative sports event, other than an event described by Section 2052.110, rather than 2052.110(2), (3), (4), or (5) or an elimination tournament subject to Subchapter E, in which a fee is charged for admission to the event.

(b) Requires the amateur combative sports association sponsoring or producing the event to register with the department not later than 30 days before the date the event begins.

(c) Creates subsection from existing text.

(d) Requires each contestant, rather than entry, in the event to have been a member of the amateur combative sports association for the 30-day period immediately preceding the date the event begins and is required to be a member on the date of the event. Deletes existing text requiring registration not later than the third day before an event.

(e) Requires the amateur combative sports association, rather than organization, to determine the amateur standing of the event contestants and to establish training programs consisting of at least 30 days of training for each contestant.

(f) Creates subsection from existing text. Deletes existing text requiring profits from events to be used to develop amateur athletics.

(g) Redesignated from existing Subsection (h). Deletes text of existing Subsection (g) authorizing only a licensed judge or referee to participate in the event.

(h) Prohibits a professional combative sports contestant licensed under this chapter from participating as a contestant, rather than in any capacity, in the event.

SECTION 17. Amends Subchapter F, Chapter 2052, Occupations Code, by adding Section 2052.254, as follows:

Sec. 2052.254. ELIMINATION TOURNAMENTS. Prohibits an elimination tournament from being conducted in this state.

SECTION 18. Repealers in the Occupations Code:

(1) Sections 2052.103 (Elimination Tournament Boxing Promoter License Application Requirements), 2052.105 (Wrestling Promoter Registration), and 2052.106 (Wrestling Promoter Application Requirements); and

(2) Subchapter E, Chapter 2052 (Regulation of Elimination Tournaments).

SECTION 19. Effective date: September 1, 2005.

**EFFECTIVE DATE**

September 1, 2005.

SUMMARY OF COMMITTEE ACTION

SB 796

April 27, 2005 10:30AM or upon final adjourn./recess

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Considered in public hearing

Reported favorably without amendment(s)

45

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**March 28, 2005**

**TO:** Honorable Troy Fraser, Chair, Senate Committee on Business & Commerce

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE:** SB796 by Lucio (Relating to the combative sports program.), As Introduced

<b>No significant fiscal implication to the State is anticipated.</b>
---

The bill would amend the Occupations Code by defining combative sports terms relating to the Combative Sports Program in the Department of Licensing and Regulation (TDLR), such as "amateur", "amateur combative sports association", and "contest". The bill would define "combative sports" to include boxing, kickboxing, martial arts, and mixed martial arts, where participants voluntarily engage in full contact to score points, to cause an opponent to submit, or to disable an opponent in a contest, match, or exhibition.

The bill states that an elimination tournament and wrestling promoter registration and application may not be conducted in this state by repealing Sections 2052.103, 2052.105, 2052.106, and Subchapter E, Chapter 2052, of the Occupations Code. According to TDLR, the provisions of this bill would have no significant fiscal impact.

The bill would take effect September 1, 2005.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 304 Comptroller of Public Accounts, 452 Department of Licensing and Regulation  
**LBB Staff:** JOB, JRO, MW, DE, RR

Enrolled April 29, 2005  
Mardi Alexander  
Enrolling Clerk

S.B. No. 796

AN ACT

relating to the combative sports program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2052.002, Occupations Code, is amended to read as follows:

Sec. 2052.002. DEFINITIONS. In this chapter:

(1) "Amateur" means a person who has never received or competed for any purse or other thing of value, including reimbursement for expenses related to training or to participation in a combative sports event, that exceeded the maximum amount established by an amateur combative sports association.

(2) "Amateur combative sports association" means an organization that has nonprofit status under the laws of this state or under federal law and that produces, arranges, advertises, conducts, or stages combative sports events in which all the contestants are amateurs.

(3) "Boxing" means to compete with the fists.

(4) "Combative sports" means sports, including boxing, kickboxing, martial arts, and mixed martial arts, in which participants voluntarily engage in full contact to score points, to cause an opponent to submit, or to disable an opponent in a contest, match, or exhibition. The term does not include student training or exhibitions of students' skills conducted by martial arts schools, or associations of schools, where the students' participation is

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1 for health and recreational purposes rather than competition and  
2 where the intent is to use only partial contact [~~includes~~  
3 ~~kickboxing, in which a person delivers blows with any part of the~~  
4 ~~arm below the shoulder, including the hand, and any part of the leg~~  
5 ~~below the hip, including the foot.~~

6 [~~(2) "Boxing promoter" means a person who arranges,~~  
7 ~~advertises, or conducts a boxing event.~~

8 [~~(3) "Championship tournament" means a state,~~  
9 ~~regional, national, or international elimination tournament in~~  
10 ~~which the winners of elimination tournaments compete for a~~  
11 ~~championship in each weight category].~~

12 (5) [(4)] "Commission" means the Texas Commission of  
13 Licensing and Regulation.

14 (6) "Contest" means a combative sports engagement in  
15 which the participants strive earnestly to win.

16 (7) [(5)] "Department" means the Texas Department of  
17 Licensing and Regulation.

18 (8) [(6)] "Elimination tournament" means a combative  
19 sports [boxing] contest in which [elimination tournament]  
20 contestants compete in a series of matches until not more than one  
21 contestant remains in any weight category. The term does not  
22 include an [a boxing] event described by Section 2052.110.

23 (9) [(7)] "Elimination tournament boxing promoter"  
24 means a person who arranges, advertises, or conducts an elimination  
25 tournament.

26 [(8)] "Elimination tournament contestant" means a  
27 person who competes in an elimination tournament.

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1           ~~[(8-a)]~~ "Executive director" means the executive  
2 director of the department or the executive director's designated  
3 representative.

4           (10) ~~[(9)]~~ "Exhibition" means a combative sports  
5 ~~[boxing or wrestling]~~ skills demonstration.

6           (11) ~~[(10)]~~ "Event" means a contest, match, or  
7 exhibition.

8           (12) ~~[(11)]~~ "Judge" means a person who is [+  
9                           ~~[(A)] located at ringside during a boxing match,~~  
10 and

11                           ~~[(B)]~~ responsible for scoring the performances  
12 of the participants in a ~~[the]~~ match.

13           (13) "Kickboxing" means to compete by delivering blows  
14 with the fists, arms, feet, legs, or any combination thereof.

15           (14) "Martial arts" means any one of the individual  
16 disciplines described by rule adopted by the commission in which  
17 the contestants engage in unarmed combat using the applicable  
18 techniques to grapple with, kick, or strike an opponent to win a  
19 contest by causing an opponent to submit or by scoring points  
20 against or disabling an opponent.

21           (15) "Match" means any contest or exhibition.

22           (16) "Mixed martial arts" means unarmed combat  
23 involving the use of a combination of techniques from different  
24 disciplines of the martial arts including grappling, kicking, and  
25 striking and may include the use of full, unrestrained physical  
26 force.

27           (17) ~~[(12)]~~ "Local tournament" means an elimination

~~tournament in which only a resident of this state may compete.~~

[~~(13)~~] "Professional combative sports contestant  
[~~boxer~~]" means a person who competes in a combative sports [~~boxing~~]  
event in this state conducted for a purse or compensation.

(18) [~~(13-a)~~] "Promoter" means any person who  
produces, arranges, advertises, conducts, or stages a combative  
sports event [~~a boxing promoter or wrestling promoter~~].

(19) [~~(14)~~] "Referee" means a person who:

(A) is present in the ring during a match [~~boxing~~  
~~event~~]; and

(B) exercises general supervision of the match  
[~~event~~].

(20) [~~(15)~~] "~~Regional tournament~~" ~~means an elimination~~  
~~tournament in which a contestant from outside of the immediate area~~  
~~in which the tournament is conducted may compete against local~~  
~~contestants.~~

[~~(15-a)~~] "Ringside physician" means an individual  
licensed to practice medicine in this state who is registered with  
the department.

[~~(16)~~] "~~Wrestling promoter~~" ~~means a person who~~  
~~arranges, advertises, or conducts a wrestling event.~~

SECTION 2. Subsection (b), Section 2052.052, Occupations  
Code, is amended to read as follows:

(b) The commission may adopt rules:

(1) governing boxing, [~~professional~~] kickboxing,  
martial arts, or mixed martial arts contests and exhibitions;

(2) establishing reasonable qualifications for an

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1 applicant seeking a license or registration from the department  
2 under this chapter;

3 (3) recognizing a sanction, medical suspension, or  
4 disqualification of a licensee or registrant [~~license holder~~] by a  
5 combative sports authority in any state, provided that if licensure  
6 or registration is denied based on those actions, an applicant has  
7 an opportunity for [~~a right to~~] a hearing as prescribed by rule;

8 (4) establishing practice requirements or specialty  
9 certifications that a person licensed to practice medicine in this  
10 state must meet to register as a ringside physician;

11 (5) requiring a contestant to present with an  
12 application for licensure or license renewal documentation [~~to the~~  
13 ~~executive director at the time of weigh-in an original copy~~] of  
14 recent blood test results that demonstrate whether the contestant  
15 is free from hepatitis B virus, hepatitis C virus, human  
16 immunodeficiency virus, and any other communicable disease  
17 designated by commission rule and providing that a contestant's  
18 failure to provide the required blood test results disqualifies the  
19 contestant;

20 (6) providing that to participate in any event a  
21 contestant must be free of hepatitis B virus, hepatitis C virus,  
22 human immunodeficiency virus, and any other communicable disease  
23 designated by rule;

24 (7) requiring that a contestant present with an  
25 application for licensure or license renewal documentation of the  
26 results of [~~undergo~~] a physical examination, including an  
27 ophthalmologic [~~ophthalmological~~] examination, [~~at or near the time~~

1 ~~of weigh-in]~~ and providing for disqualification of a contestant who  
2 is determined by an examining physician to be unfit; ~~[and]~~

3 (8) establishing additional responsibilities for  
4 promoters; and

5 (9) governing regulated amateur events.

6 SECTION 3. Subsection (a), Section 2052.055, Occupations  
7 Code, is amended to read as follows:

8 (a) The presiding officer of the commission, with the  
9 commission's approval, may appoint a medical advisory committee to  
10 advise the department concerning health issues for combative sports  
11 ~~[boxing]~~ event contestants.

12 SECTION 4. Section 2052.101, Occupations Code, is amended  
13 to read as follows:

14 Sec. 2052.101. ~~[BOXING]~~ PROMOTER LICENSE. A person may not  
15 act as a ~~[boxing]~~ promoter ~~[or an elimination tournament boxing~~  
16 ~~promoter]~~ unless the person holds the appropriate ~~[a]~~ license  
17 issued under this chapter.

18 SECTION 5. The heading to Section 2052.102, Occupations  
19 Code, is amended to read as follows:

20 Sec. 2052.102. ~~[BOXING]~~ PROMOTER LICENSE APPLICATION  
21 REQUIREMENTS.

22 SECTION 6. Subsection (a), Section 2052.102, Occupations  
23 Code, is amended to read as follows:

24 (a) An applicant for a ~~[boxing]~~ promoter's license under  
25 this chapter must apply on a form furnished by the executive  
26 director.

27 SECTION 7. Section 2052.107, Occupations Code, is amended

to read as follows:

Sec. 2052.107. OTHER COMBATIVE SPORTS [~~BOXING~~] LICENSES.

Unless a person holds a license or registration issued under this chapter, the person may not act as a combative sports:

- (1) professional contestant [~~boxer~~];
- (2) manager of a professional contestant [~~boxer~~];
- (3) referee;
- (4) judge;
- (5) second;
- (6) timekeeper;
- (7) matchmaker; or
- (8) ringside physician.

SECTION 8. Section 2052.110, Occupations Code, is amended to read as follows:

Sec. 2052.110. LICENSE AND BONDING EXCEPTIONS. If the contestants are amateurs, the [~~The~~] licensing and bonding requirements of this chapter [~~subchapter~~] do not apply to:

(1) [~~a boxing event in which the participants do not receive a money remuneration, purse, or prize for their performances or services if the event is promoted, conducted, or maintained by:~~

- [~~(A) an educational institution,~~
- [~~(B) a law enforcement organization,~~
- [~~(C) a Texas National Guard Unit, or~~
- [~~(D) an amateur athletic organization recognized by the executive director,~~

[~~(2) an event conducted by a nonprofit amateur~~

~~athletic association chartered under the law of this state, including a membership club affiliated with the association located within this state and recognized by the executive director,~~

~~(3)~~ an event conducted by a college, school, or university that is part of the institution's athletic program in which only students of ~~[different]~~ educational institutions participate;

(2) ~~(4)~~ an event which is conducted by ~~[in which only members of]~~ a troop, battery, company, or unit of the Texas National Guard or a law enforcement agency and in which only members of military or law enforcement organizations participate; or

(3) ~~(5)~~ an event which is conducted by an organization of the Olympic Games, the Paralympic Games, or the Pan-American Games and in which participants train or compete for advancement to or within the games.

SECTION 9. Section 2052.111, Occupations Code, is amended to read as follows:

Sec. 2052.111. DENIAL OF APPLICATION. The executive director may deny an application for a license or registration if:

(1) the applicant does not meet the qualifications for the license or registration; or

(2) after conducting an investigation and providing an opportunity for a hearing, the executive director determines that the applicant has violated this chapter or a rule adopted under this chapter.

SECTION 10. Section 2052.113, Occupations Code, is amended to read as follows:

1           Sec. 2052.113. LICENSE AND PERMIT REQUIRED FOR CLOSED  
2 CIRCUIT [~~BOXING~~] TELECAST. A person who exhibits in this state a  
3 simultaneous telecast of a live, spontaneous, or current combative  
4 sports [~~boxing~~] event on a closed circuit telecast in which a fee is  
5 charged for admission to the telecast must:

6                   (1) hold a [~~boxing~~] promoter's license under this  
7 chapter; and

8                   (2) obtain a permit for the closed circuit telecast.

9           SECTION 11. Subchapter C, Chapter 2052, Occupations Code,  
10 is amended by adding Sections 2052.116 and 2052.117 to read as  
11 follows:

12           Sec. 2052.116. AMATEUR COMBATIVE SPORTS ASSOCIATION  
13 REGISTRATION. A person may not act as an amateur combative sports  
14 association unless the person is registered under this chapter.

15           Sec. 2052.117. AMATEUR COMBATIVE SPORTS ASSOCIATION  
16 REGISTRATION REQUIREMENTS. (a) An applicant for registration as  
17 an amateur combative sports association must apply on a form  
18 acceptable to the executive director.

19                   (b) An application must be accompanied by:

20                           (1) a registration fee in the amount set by the  
21 commission;

22                           (2) proof of compliance with requirements established  
23 by rule for:

24                                   (A) insurance; and

25                                   (B) surety bonds, if any;

26                           (3) a copy of the rules of the association  
27 establishing standards of conduct for contestants and officials;

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S.B. No. 796

1 and

2 (4) proof that the association is recognized or  
3 organized as a nonprofit organization under the laws of this state  
4 or has such status under federal law.

5 (c) Rules of the association must be approved by the  
6 department.

7 SECTION 12. Section 2052.151, Occupations Code, is amended  
8 to read as follows:

9 Sec. 2052.151. IMPOSITION AND RATE OF TAX. (a) A tax is  
10 imposed on a person who:

11 (1) conducts a combative sports [~~boxing~~] event[~~7~~  
12 ~~including an elimination tournament,~~] in which a fee is charged for  
13 admission to the event; or

14 (2) exhibits in this state a simultaneous telecast of  
15 a live, spontaneous, or current combative sports [~~boxing~~] event on  
16 a closed circuit telecast, in which a fee is charged for admission  
17 to the telecast[~~, or~~

18 [~~(3) conducts or sponsors an amateur boxing event,~~  
19 ~~other than an event exempt from licensing under Section~~  
20 ~~2052.110(2), (3), (4), or (5), in which a fee is charged for~~  
21 ~~admission to the event].~~

22 (b) The [~~rate of the~~] tax is three percent of the gross  
23 receipts obtained from the sale of tickets to the event, plus three  
24 percent of gross receipts received from sales of broadcast rights  
25 or \$30,000, whichever is less.

26 SECTION 13. Subsections (a) and (b), Section 2052.152,  
27 Occupations Code, are amended to read as follows:

(a) A person on whom a tax is imposed under Section 2052.151, not later than three business days [~~72 hours~~] after the end of the event or telecast for which the tax is due, shall submit to the department a verified report on a form acceptable to [~~furnished by~~] the department stating:

(1) the number of tickets sold to the event;

(2) the ticket prices charged;

(3) the gross price charged for the sale or lease of broadcasting, television, and motion picture rights without any deductions for commissions, brokerage fees, distribution fees, advertising, or other expenses or charges; and

(4) the amount of gross receipts obtained from the event.

(b) The person shall attach to the report a cashier's check, check, or money order payable to this state in the amount of the tax imposed on the event covered by the report.

SECTION 14. Section 2052.153, Occupations Code, is amended to read as follows:

Sec. 2052.153. CLOSED CIRCUIT TELECAST. A person exhibiting a simultaneous telecast of a live, spontaneous, or current combative sports [~~boxing~~] event on a closed circuit telecast that occurs in Texas in which a fee is charged for admission to the exhibition:

(1) must:

(A) be a [~~boxing~~] promoter; and

(B) obtain a permit for each telecast exhibited;

and

S.B. No. 796

(2) shall comply with the tax provisions of Sections  
~~[Section]~~ 2052.151 and 2052.152.

SECTION 15. Section 2052.251, Occupations Code, is amended  
to read as follows:

Sec. 2052.251. ~~[BOXING]~~ GLOVES. A combative sports  
~~[boxing]~~ event contestant~~[, other than an elimination tournament~~  
~~contestant under Subchapter E,~~ shall wear ~~[eight-ounce boxing]~~  
gloves of the type and weight specified by commission rule, unless  
the commission by applicable rule requires or permits contestants  
~~[a contestant]~~ to not wear ~~[heavier]~~ gloves.

SECTION 16. Section 2052.252, Occupations Code, is amended  
to read as follows:

Sec. 2052.252. REGULATED ~~[CERTAIN]~~ AMATEUR EVENTS.

(a) This section applies to an amateur combative sports ~~[boxing]~~  
event, other than an event described by Section 2052.110  
~~[2052.110(2), (3), (4), or (5) or an elimination tournament subject~~  
~~to Subchapter E]~~, in which a fee is charged for admission to the  
event.

(b) The amateur combative sports association sponsoring or  
producing the event shall register with the department not later  
than 30 days before the date the event begins.

(c) The event may take place only if the executive director  
approves the event not later than seven days before the date the  
event begins.

(d) ~~[(c)]~~ Each contestant ~~[entry]~~ in the event must have  
been a member of the amateur combative sports association for the  
30-day period immediately preceding ~~[be filed with the amateur~~

1 ~~organization not later than the third day before]~~ the date the event  
2 begins and must be a member on the date of the event.

3 (e) [~~d~~] The amateur combative sports association  
4 [~~organization~~] shall determine the amateur standing of the event  
5 contestants and shall establish training programs consisting of at  
6 least 30 days of training for each contestant.

7 (f) [~~e~~] The event is subject to the supervision of the  
8 executive director.

9 [~~f~~] ~~All profits from the event must be used to develop~~  
10 ~~amateur athletics.~~

11 (g) [~~h~~] ~~Only a referee or judge licensed under this chapter may~~  
12 ~~participate in the event.~~

13 [~~h~~] Each contestant participating in the event must be  
14 examined by a licensed physician within a reasonable time before  
15 the event begins. A licensed physician must be present at ringside  
16 during the entire event.

17 (h) [~~i~~] A professional combative sports contestant  
18 [~~boxer~~] licensed under this chapter may not participate as a  
19 contestant [~~in any capacity~~] in the event.

20 SECTION 17. Subchapter F, Chapter 2052, Occupations Code,  
21 is amended by adding Section 2052.254 to read as follows:

22 Sec. 2052.254. ELIMINATION TOURNAMENTS. An elimination  
23 tournament may not be conducted in this state.

24 SECTION 18. The following provisions of the Occupations  
25 Code are repealed:

- 26 (1) Sections 2052.103, 2052.105, and 2052.106; and  
27 (2) Subchapter E, Chapter 2052.

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S.B. No. 796

1        SECTION 19.    This Act takes effect September 1, 2005.

_____ President of the Senate	_____ Speaker of the House
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I hereby certify that S.B. No. 796 passed the Senate on April 7, 2005, by the following vote: Yeas 31, Nays 0.

_____ Secretary of the Senate
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I hereby certify that S.B. No. 796 passed the House on April 29, 2005, by a non-record vote.

_____ Chief Clerk of the House
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Approved:

_____ Date
---------------

_____ Governor
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**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**March 28, 2005**

**TO:** Honorable Troy Fraser, Chair, Senate Committee on Business & Commerce

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE: SB796** by Lucio (Relating to the combative sports program.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
---

The bill would amend the Occupations Code by defining combative sports terms relating to the Combative Sports Program in the Department of Licensing and Regulation (TDLR), such as "amateur", "amateur combative sports association", and "contest". The bill would define "combative sports" to include boxing, kickboxing, martial arts, and mixed martial arts, where participants voluntarily engage in full contact to score points, to cause an opponent to submit, or to disable an opponent in a contest, match, or exhibition.

The bill states that an elimination tournament and wrestling promoter registration and application may not be conducted in this state by repealing Sections 2052.103, 2052.105, 2052.106, and Subchapter E, Chapter 2052, of the Occupations Code. According to TDLR, the provisions of this bill would have no significant fiscal impact.

The bill would take effect September 1, 2005.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 304 Comptroller of Public Accounts, 452 Department of Licensing and Regulation

**LBB Staff:** JOB, JRO, MW, DE, RR

3/4cert

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 796 passed the Senate on April 7, 2005, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 796 passed the House on April 29, 2005, by <sup>^</sup>the following vote: Yeas 0, Nays 0.  
a non-record vote.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

S.B. No. 796

By Lucio

A BILL TO BE ENTITLED

AN ACT: relating to the combative sports program.

FEB 28 2005

Filed with the Secretary of the Senate

BUSINESS AND  
COMMERCE

MAR 10 2005

Read and referred to Committee on

MAR 31 2005

Reported favorably

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

APR 07 2005

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by:

{ unanimous consent  
\_\_\_\_ years, \_\_\_\_ nays

APR 07 2005

Read second time, \_\_\_\_\_, and ordered engrossed by:

{ ~~unanimous consent~~  
a viva voce vote  
\_\_\_\_ years, \_\_\_\_ nays

APR 07 2005

Senate and Constitutional 3 Day Rule suspended by a vote of 31 yeas, 0 nays.

APR 07 2005

Read third time, \_\_\_\_\_, and passed by:

{ ~~A viva voce vote~~  
31 yeas, 0 nays

Larry Spaw  
SECRETARY OF THE SENATE

OTHER ACTION:

April 7, 2005

Engrossed

Sent to House

Engrossing Clerk

Mardi Allford

APR 07 2005

Received from the Senate

APR 12 2005

Read first time and referred to Committee on

Licensing & Administrative Procedures

APR 27 2005

Reported \_\_\_\_\_ favorably (~~amended~~) (~~amended~~)

APR 28 2005

Sent to Committee on (Calendars) (~~amended~~)

APR 28 2005

Read second time (~~amended~~) (~~amended~~); passed to third reading (~~failed~~) by a (non-record vote) (~~record vote of~~ \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend) by a vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting.

APR 29 2005

Read third time (~~amended~~); finally passed (~~failed to pass~~) by a (non-record vote)

(~~record vote of~~ \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

APR 29 2005

Returned to Senate.

Robert Haney  
CHIEF CLERK OF THE HOUSE

APR 29 2005

Returned from House without amendment.

Returned from House with \_\_\_\_\_ amendments.

Concurred in House amendments by a viva voce vote \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

\_\_\_\_\_ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

\_\_\_\_\_ Senate conferees instructed.

\_\_\_\_\_ Senate conferees appointed: \_\_\_\_\_, Chairman; \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_

\_\_\_\_\_ House granted Senate request. House conferees appointed: \_\_\_\_\_, Chairman; \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_ Conference Committee Report read and filed with the Secretary of the Senate.

\_\_\_\_\_ Conference Committee Report adopted on the part of the House by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

\_\_\_\_\_ Conference Committee Report adopted on the part of the Senate by:

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

**OTHER ACTION:**

\_\_\_\_\_ Recommitted to Conference Committee

\_\_\_\_\_ Conferees discharged.

\_\_\_\_\_ Conference Committee Report failed of adoption by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

05 APR 27 PM 9:37  
HOUSE OF REPRESENTATIVES